

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

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**HOUSE BILL 378**

Short Title: Firefighters Criminal History Record Checks. (Public)

Sponsors: Representatives Blackwell, Saine, Torbett, and Riddell (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 16, 2023

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT COUNTIES AND CITIES MAY HAVE CRIMINAL HISTORY RECORD CHECKS FOR FIREFIGHTER APPLICANTS WHO HAVE BEEN RESIDENTS OF THE STATE FOR FIVE OR MORE YEARS CONDUCTED THROUGH THE CLERK OF SUPERIOR COURT OR A THIRD-PARTY VENDOR AND PROVIDING THAT THE CRIMINAL HISTORY RECORD CHECKS REQUIREMENT SHALL NOT APPLY TO JUNIOR MEMBERS UNDER EIGHTEEN.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-943 reads as rewritten:

**"§ 143B-943. Criminal history record checks of applicants to and current members of fire departments and emergency medical services.**

...

(d1) An applicant is prohibited from serving in a paid or volunteer position with a fire department if the applicant's ~~verified~~ criminal history record check reveals a conviction of arson or another felony conviction involving burning or setting fire under Article 15, Article 22, or any other Article of Chapter 14 of the General Statutes. A local Homeland Security director, local fire chief, county fire marshal, or local law enforcement agency, as applicable, shall request, and an applicant shall disclose, any pending felony charges involving burning or setting fire under Article 15, Article 22, or any other Article of Chapter 14 of the General Statutes. Upon becoming aware of pending felony charges, through the required disclosure or by other means, a local Homeland Security director, local fire chief, county fire marshal, or local law enforcement agency shall not offer the applicant a paid or volunteer position, except as provided in subsection (f) of this section. This subsection does not apply to an applicant for a paid or volunteer position with an emergency medical service.

...."

**SECTION 2.** G.S. 153A-233 reads as rewritten:

**"§ 153A-233. Fire-fighting and prevention services.**

A county may establish, organize, equip, support, and maintain a fire department; may prescribe the duties of the fire department; may provide financial assistance to incorporated volunteer fire departments; may contract for fire-fighting or prevention services with one or more counties, cities or other units of local government, incorporated ~~volunteer~~ fire departments, or with an agency of the State government; and may for these purposes appropriate funds not otherwise limited as to use by law. A county shall ensure that any county, city or other unit of local government, or incorporated ~~volunteer~~ fire department with whom the county contracts for fire-fighting or prevention services shall obtain a criminal history record check of any person



1 who applies for a paid or volunteer position providing fire-fighting or prevention services. The  
2 criminal history record check shall be conducted and evaluated as provided in  
3 ~~G.S. 143B-943~~.G.S. 143B-943; provided, however, if an applicant has been a resident of North  
4 Carolina for five years or more and did not report any charges or conviction on his or her  
5 application, the criminal history record check may be conducted through the office of the clerk  
6 of superior court or a third-party vendor. The criminal history record check shall not apply to  
7 junior members under the age of 18. The county may also designate fire districts or parts of  
8 existing districts and prescribe the boundaries thereof for insurance grading purposes."

9 **SECTION 3.** G.S. 153A-234 reads as rewritten:

10 **"§ 153A-234. Fire marshal.**

11 ...

12 (b) The fire marshal shall obtain a criminal history record check of any person who  
13 applies for a paid or volunteer position with the fire department. The criminal history record  
14 check shall be conducted and evaluated as provided in ~~G.S. 143B-943~~.G.S. 143B-943; provided,  
15 however, if an applicant has been a resident of North Carolina for five years or more and did not  
16 report any charges or conviction on his or her application, the criminal history record check may  
17 be conducted through the office of the clerk of superior court or a third-party vendor. The  
18 criminal history record check shall not apply to junior members under the age of 18."

19 **SECTION 4.** G.S. 160A-292 reads as rewritten:

20 **"§ 160A-292. Duties of fire chief.**

21 ...

22 (b) The fire chief shall obtain a criminal history record check of any person who applies  
23 for a paid or volunteer position with the fire department. The criminal history record check shall  
24 be conducted and evaluated as provided in ~~G.S. 143B-943~~.G.S. 143B-943; provided, however, if  
25 an applicant has been a resident of North Carolina for five years or more and did not report any  
26 charges or conviction on his or her application, the criminal history record check may be  
27 conducted through the office of the clerk of superior court or a third-party vendor. The criminal  
28 history record check shall not apply to junior members under the age of 18."

29 **SECTION 5.** This act is effective when it becomes law and applies to applications  
30 submitted on or after that date.