

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1009

Short Title: Law Enforcement Training.

(Public)

Sponsors: Senator Daniel.

Referred to: Veterans Affairs, Law Enforcement, and Senior Citizens.

April 26, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE AND ENHANCE REQUIRED AND ADVANCED
3 TRAINING FOR NORTH CAROLINA'S LAW ENFORCEMENT OFFICERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. A new Chapter is added to the General Statutes to read:

6 **“CHAPTER 17F.**

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

8 **“§ 17F-1. Short title.**

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

11 **“§ 17F-2. Findings and policy.**

12 The General Assembly finds that units of local government have widely varied tax
13 bases and budgetary commitments to law enforcement. The purpose of this act is to
14 make more equitable, available and consistent, training and education efforts for State
15 and local law enforcement officers, and to assure a uniform level of training throughout
16 the State for local law enforcement. It is the intent of the General Assembly that such
17 efforts shall in no way reduce the commitment of State and local agencies to provide for
18 adequate law enforcement training.

19 **“§ 17F-3. Definitions.**

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

- 21 (1) ‘Criminal Justice Commission’ means the North Carolina Criminal
22 Justice Education and Training Standards Commission, as established
23 by Chapter 17C of the General Statutes.

1 (2) 'Sheriffs' Commission' means the North Carolina Sheriffs' Education
2 and Training Standards Commission, as established by Chapter 17E of
3 the General Statutes.

4 (3) 'Law enforcement agencies' shall mean those State and local agencies
5 employing or appointing sworn personnel having arrest powers.

6 (4) 'Fund' shall mean the North Carolina Law Enforcement Training
7 Fund.

8 **"§ 17F-4. North Carolina Law Enforcement Training Fund established.**

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

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

25 **"§ 17F-5. Functions of the Department of Justice.**

26 (a) The Attorney General, by the adoption of rules pursuant to the provisions of
27 Chapter 150B of the General Statutes, shall provide for the administration of the Fund
28 established by this Chapter. In consultation with the Criminal Justice Commission and
29 the Sheriffs' Commission and by promulgation of administrative rules, the Attorney
30 General shall:

31 (1) Establish reasonable and equitable procedures to disburse funds to law
32 enforcement officers, law enforcement agencies, the Department of
33 Community Colleges, and to other governmental units;

34 (2) Promote the most efficient and economical program of law
35 enforcement training and the maximum use of existing facilities,
36 including the Department of Community Colleges and the North
37 Carolina Justice Academy for the purpose of avoiding duplication; and

38 (3) Establish a system of reimbursement designed to prevent budgetary
39 supplanting by the State and political subdivisions with respect to law
40 enforcement training programs.

41 (b) The Attorney General shall hire and provide such staff as he shall deem
42 necessary to administer the programs of the Fund. The Attorney General may allocate
43 as much as ten per centum (10%) of the annual receipts of the Fund to the Department
44 of Justice for the administrative overhead expenses of the Fund.

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

3 **"§ 17F-6. Authorized expenditures.**

4 (a) The Attorney General may make disbursements from the Fund for the
5 following purposes:

6 (1) To make emergency reimbursements to local law enforcement
7 agencies for officer travel and per diem expenses, replacement salary
8 expenses, and other expenses incurred in the attendance at
9 commission-required training programs not available locally or on a
10 timely basis;

11 (2) To allocate funds to local law enforcement agencies for the purpose of
12 reimbursing expenses incurred in complying with the employment,
13 training, and retention provisions of the Criminal Justice Commission
14 and the Sheriffs' Commission;

15 (3) To allocate funds for criminal justice training research and
16 development grants;

17 (4) To allocate funds for expenses associated with making available in
18 North Carolina, specialized or advanced professional training
19 programs for State and local law enforcement officers;

20 (5) To allocate funds to the Department of Community Colleges for
21 expenses associated with the delivery of Commission approved and
22 required training. Funds allocated to the Department of Community
23 Colleges for the purpose of this subdivision shall include: the
24 employment of full-time law enforcement training personnel; travel
25 and per diem expenses of law enforcement training personnel;
26 specialized law enforcement training facilities; and, law enforcement
27 training equipment, materials and supplies;

28 (6) To allocate funds to the Criminal Justice Commission and the Sheriffs'
29 Commission for the purpose of augmenting the administration of
30 commission programs to include field monitoring of Commission
31 required training, statistical validation of required examinations,
32 studies of the effectiveness of required training, and other programs;

33 (7) To establish a program of financial incentives for law enforcement
34 officers and law enforcement agencies to obtain advanced
35 postsecondary educational degrees; and

36 (8) To establish a program of financial incentives to encourage the
37 selection of law enforcement as a career and successful attendance and
38 completion in Basic Law Enforcement Training for the purpose of
39 employment as a law enforcement officer at the State and local levels
40 of government.

41 (b) Upon consultation with the Criminal Justice Commission and the Sheriffs'
42 Commission, the Attorney General shall develop an annual plan for disbursements from
43 the Fund.

1 (c) No agency or individual shall be entitled to receive any reimbursements
2 under this act unless said agency or individual adheres to the applicable selection,
3 training, certification, and other minimum standards programs of the Criminal Justice
4 Commission or the Sheriffs' Commission.

5 **"§ 17F-7. Annual report.**

6 The Attorney General shall cause an Annual Report of the Fund to be presented to
7 the General Assembly on or before December 31 of each year for the preceding fiscal
8 year. Such annual report shall contain a summary of all disbursements made from the
9 Fund by type, level of government, governmental unit, and any other matters that the
10 Attorney General may deem to be relevant to the administration of the Fund."

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

12 **"§ 20-183.7. Charges for inspections and certificates; safety equipment inspection**
13 **station records.**

14 (a) Every safety equipment inspection station shall charge a fee of four dollars
15 and twenty-five cents (\$4.25) for inspecting a motor vehicle to determine compliance
16 with the safety inspection requirements of this Article and shall give the vehicle
17 operator a dated receipt, indicating the articles and equipment approved and
18 disapproved. At any time within 90 days thereafter, when the receipt is presented to the
19 inspection station which issued it with a request for reinspection, that inspection station
20 shall reinspect the vehicle at no charge. When said vehicle is approved, the inspection
21 station shall obtain a fee of ~~one dollar (\$1.00)~~ one dollar and fifty cents (\$1.50) for a
22 valid inspection certificate, and affix the certificate to that vehicle.

23 (a1) For inspection of vehicles required to be inspected under the
24 inspection/maintenance provisions of G.S. 20-183.3(b), every safety equipment
25 inspection station shall charge a fee of not less than four dollars and twenty-five cents
26 (\$4.25), nor more than ten dollars (\$10.00), for inspecting a motor vehicle to determine
27 compliance with the safety inspection requirements and the exhaust emission standards
28 pursuant to the inspection/maintenance requirements of this Article and shall give the
29 vehicle operator a dated receipt indicating the articles and equipment approved or
30 disapproved and whether the vehicle met the emission control standards. If the vehicle
31 is disapproved, at any time within 30 days thereafter when the receipt is presented to the
32 inspection station which issued it with a request for reinspection, that inspection station
33 shall reinspect the vehicle at no charge. When said vehicle is approved, the inspection
34 station shall obtain a fee of not less than one dollar (\$1.00) nor more than ~~two dollars and~~
35 ~~forty cents (\$2.40)~~ two dollars and ninety cents (\$2.90) for a valid inspection certificate
36 covering both the safety inspection requirements and the emission control
37 inspection/maintenance requirements and affix the certificate to that vehicle. The
38 amount of the fees under this subsection shall be set by the Commissioner of Motor
39 Vehicles.

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

1 (c) Fees collected for inspection certificates shall be paid to the Division of
2 Motor Vehicles in accordance with its regulations and shall be periodically transferred
3 as follows:

4 (1) After making the transfer provided in subdivision (3) of this
5 subsection, seventy-five cents (75¢) of the fee for the valid inspection
6 sticker collected pursuant to subsection (a) shall be transferred to the
7 Highway Fund, fifty cents (50¢) shall be transferred to the Law
8 Enforcement Training Fund created by G.S. 17F-4, and the remaining
9 moneys shall be transferred to the Department of Insurance for the
10 Volunteer Rescue Squad Fund created in G.S. 118-50.

11 (2) After making the transfer provided in subdivision (3) of this
12 subsection, the fee collected pursuant to subsection (a1) shall be
13 transferred as follows: the first thirty-five cents (35¢) to the Division
14 of Environmental Management; the next twenty cents (20¢) to the
15 Department of Insurance for the Volunteer Rescue Squad Fund created
16 in G.S. 118-50; the next fifty cents (50¢) to the Law Enforcement
17 Training Fund created by G.S. 17F-4, and any excess up to one dollar
18 and eighty-five cents (\$1.85) to the Highway Fund.

19 (3) Five cents (5¢) of the fee for the valid inspection sticker collected
20 pursuant to subsections (a) and (a1) shall be transferred each quarter of
21 the year to the North Carolina Commissioner of Insurance, for the
22 purpose of funding the Rescue Squad Workers' Relief Fund under
23 Article 5 of General Statute Chapter 118.

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

28 Sec. 3. This act shall become effective July 1, 1989.