



HOUSE BILL 536: Law Enforcement Duty to Intervene.

2021-2022 General Assembly

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| Committee: | House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | May 4, 2021 |
| Introduced by: | Reps. Szoka, K. Baker, Hunter | Prepared by: | Susan Sitze |
| Analysis of: | First Edition | | Staff Attorney |

OVERVIEW: *House Bill 536 would establish a duty for law enforcement officers to intervene in and report excessive use of force.*

CURRENT LAW: G.S. 15A-401(d) authorizes a law enforcement officer to use force when and to the extent the officer reasonably believes it necessary to prevent escape or effect an arrest or to defend themselves or a third person from the use of physical force while effecting an arrest or preventing an escape. An officer is only allowed to use deadly force when it appears to be reasonably necessary to defend themselves or a third person from deadly force, to arrest or prevent escape of a person attempting to escape using a deadly weapon or a person who presents an imminent threat of death or serious physical injury to others, or to prevent the escape of a person from custody ordered as the result of a conviction of a felony.

BILL ANALYSIS:

House Bill 536 would amend G.S. 15A-401 by adding a new subsection creating a duty to intervene in and report excessive use of force.

Any law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized by G.S. 15A-401(d) is required to do the following:

- Attempt to intervene if they possess a reasonable opportunity and it is safe to do so.
- Report the use of excessive force to a superior law enforcement officer within the agency of the observing officer within 72 hours, even if the observing officer did not have an opportunity to intervene.
- If the head of the law enforcement agency of the observing officer was involved or present during the use of force, report the use of excessive force to the highest ranking officer that was not involved in or present during the use of force.

EFFECTIVE DATE: This act would become effective December 1, 2021, and apply to use of force that occurs on or after that date.

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Director



Legislative Analysis
Division
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