

March 24, 2005

**S 1118. TORTS BY STATE LAW ENFORCEMENT/EMPLOYEES.** *TO CLARIFY THE STATE'S DUTY WHEN A CIVIL ACTION IS BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER OR A STATE EMPLOYEE, THE ATTORNEY GENERAL REFUSES TO DEFEND THE OFFICER OR EMPLOYEE ON THE GROUNDS THAT THE OFFICER OR EMPLOYEE DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINES THAT THE OFFICER OR EMPLOYEE DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT.* Amends GS 20-194 and 143-300.6 to clarify that the State must pay a judgment against a State law enforcement officer or State employee if the court determines the act was committed within the scope of employment even if the State refused to defend employee because the State determined that the act was outside the scope of employment.

**Intro. by Rand.**

Ref. to Judiciary I

GS 20, 143

May 3, 2005

**S 1118. TORTS BY STATE LAW ENFORCEMENT (NEW).** Intro. 3/24/05. Senate committee substitute makes the following changes to 1st edition. Deletes amendment to GS 20-194(b) and deletes new GS 143-300.6(d). Provides that if a civil judgment is entered in federal court against a member of the Highway Patrol prior to the act's effective date and the federal court found that the officer was acting within the course and scope of officer's employment, the prevailing party in the federal action may institute an action for damages under the NC Tort Claims Act. Requires that action be brought within 180 days of the effective date of act and provides it is not a defense to that action that the Highway Patrol member is no longer employed by the State or that the statute of limitations for bringing the action has expired. Applies the liability limitations established by the Tort Claims Act to the person's recovery of damages against the State.

July 5, 2005

**S 1118. TORTS BY STATE LAW ENFORCEMENT.** Intro. 3/24/05. House committee substitute makes the following changes to 2nd edition. Makes technical changes only.

August 1, 2005

**SL 2005-243 (S 1118). TORTS BY STATE LAW ENFORCEMENT.** *AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT.* Summarized in *Daily Bulletin* 3/24/05, 5/3/05, and 7/5/05. Enacted July 29, 2005. Effective July 29, 2005.