

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 600
Judiciary I Committee Substitute Adopted 5/10/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S600-PCS15183-SH-32

Short Title: Out-of-State Law Enforcement/Special Events.

(Public)

Sponsors:

Referred to:

April 19, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE
3 HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO
4 CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO
5 PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL
6 CONVENTION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 13 of Chapter 160A of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 160A-288.3. Assistance by out-of-state law enforcement officers; rules.**

11 (a) In accordance with rules, policies, or guidelines adopted by the governing body of
12 the city by which the officer is employed, and subject to any conditions or restrictions included
13 therein, the head of any law enforcement agency of a municipality with a population that
14 exceeds 500,000 may request and enter into temporary intergovernmental law enforcement
15 agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers
16 to aid in enforcing the laws of North Carolina within the jurisdiction of the requesting
17 municipality if so requested in writing by the head of the requesting agency. The assistance
18 may comprise allowing out-of-state law enforcement officers to work temporarily with officers
19 of the requesting agency (including in an undercover capacity) and lending equipment and
20 supplies. While working with the requesting agency under the authority of this section, an
21 out-of-state law enforcement officer shall have the same jurisdiction, powers, rights, privileges,
22 and immunities (including those relating to the defense of civil actions and payment of
23 judgments) as the officers of the requesting agency. While on duty with the requesting agency,
24 the out-of-state law enforcement officer shall be subject to the lawful operational commands of
25 the chief of police and the chief's chain of command for the requesting agency.

26 (b) As used in this section, the following definitions apply:

27 (1) "Head" means any director or chief officer of a law enforcement agency,
28 including the chief of police of the requesting agency or an officer of the
29 requesting agency to whom the head of that agency has delegated authority
30 to make or grant requests under this section.



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- 1 (2) "Law enforcement agency" means a municipal police department for a
2 municipality that has a population of more than 500,000. All other State and
3 local agencies are exempted from the provisions of this section.
- 4 (3) "Out-of-state law enforcement officer" means a full-time paid employee of a
5 governmental employer who is actively serving in a position with assigned
6 primary duties and responsibilities for prevention and detection of crime or
7 the general enforcement of the criminal laws of the officer's home
8 jurisdiction or serving civil processes, and who possesses the power of arrest
9 by virtue of an oath administered under the authority of the home
10 jurisdiction, and who is in good standing and has no pending civil, criminal,
11 or departmental action that would disqualify the officer if the officer were
12 certified by this State.
- 13 (4) "Out-of-state law enforcement agency" means an employer which is a
14 governmental agency outside of this State and which is assigned primary
15 duties and responsibilities for prevention and detection of crime or the
16 general enforcement of the criminal laws of the home jurisdiction or serving
17 civil processes, and which has employees who possess the power of arrest by
18 virtue of an oath administered under the authority of the home jurisdiction.
- 19 (5) "Temporary intergovernmental law enforcement agreement" means any
20 agreement entered into by the agency head with the head of another
21 out-of-state law enforcement agency for the use of officers or equipment for
22 a designated period of time.

23 (c) This section in no way reduces the jurisdiction or authority of State law enforcement
24 officers.

25 (d) Notwithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c1), out-of-state law
26 enforcement officers shall be authorized to hold dual offices when one of the appointive offices
27 held is that of out-of-state law enforcement officer and the other appointive office is that of a
28 law enforcement officer for a municipality authorized to enter into temporary
29 intergovernmental law enforcement agreements pursuant to this section.

30 (e) Notwithstanding the provisions of Chapter 17C and Chapter 17E of the General
31 Statutes, out-of-state law enforcement officers certified and sworn in the officers' home
32 jurisdiction and subject to the provisions of an intergovernmental law enforcement agreement
33 under this section shall be deemed to have met the certification requirements of this State for
34 the purposes of being sworn as a law enforcement officer with the requesting agency.

35 (f) An intergovernmental law enforcement agreement entered into pursuant to this
36 section shall address standards of conduct for the out-of-state law enforcement officers,
37 including the requesting agencies' policies regarding the use of force. Additionally, the
38 intergovernmental law enforcement agreement shall require all out-of-state law enforcement
39 officers to successfully complete training as prescribed by the requesting agency. The
40 intergovernmental law enforcement agreement shall also address the compensation of
41 out-of-state law enforcement officers and the protocol for processing claims made against or by
42 the out-of-state law enforcement officer.

43 (g) This section becomes effective January 1, 2012, applies to all intergovernmental law
44 enforcement agreements entered into on or after that date, and expires October 1, 2012. "

45 **SECTION 2.** This act is effective as provided herein.