

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 600  
PROPOSED COMMITTEE SUBSTITUTE S600-PCS35241-MA-17

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

(Public)

Sponsors:

Referred to:

April 19, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION.

The General Assembly of North Carolina enacts:

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

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

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

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

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

(2) "Law enforcement agency" means a municipal police department for a municipality that has a population of more than 500,000. All other State and local agencies are exempted from the provisions of this section.



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1           (3) "Out-of-state law enforcement officer" means a full-time paid employee of a  
2 governmental employer who is actively serving in a position with assigned  
3 primary duties and responsibilities for prevention and detection of crime or  
4 the general enforcement of the criminal laws of the officer's home  
5 jurisdiction or serving civil processes, and who possesses the power of arrest  
6 by virtue of an oath administered under the authority of the home  
7 jurisdiction, and who is in good standing and has no pending civil, criminal,  
8 or departmental action that would disqualify the officer if the officer were  
9 certified by this State.

10          (4) "Out-of-state law enforcement agency" means an employer which is a  
11 governmental agency outside of this State and which is assigned primary  
12 duties and responsibilities for prevention and detection of crime or the  
13 general enforcement of the criminal laws of the home jurisdiction or serving  
14 civil processes, and which has employees who possess the power of arrest by  
15 virtue of an oath administered under the authority of the home jurisdiction.

16          (5) "Temporary intergovernmental law enforcement agreement" means any  
17 agreement entered into by the agency head with the head of another  
18 out-of-state law enforcement agency for the use of officers or equipment for  
19 a designated period of time.

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

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

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

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

40          (g) This section shall expire on October 1, 2012."

41          **SECTION 2.** This act becomes effective January 1, 2012, and applies to all  
42 intergovernmental law enforcement agreements entered into on or after that date.