

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 388
PROPOSED COMMITTEE SUBSTITUTE H388-PCS40348-BA-7

Short Title: Modernize Mutual Assistance Statutes.

(Public)

Sponsors:

Referred to:

March 20, 2017

A BILL TO BE ENTITLED
AN ACT TO CREATE A PRESUMPTION THAT ALLOWS ONE LAW ENFORCEMENT
AGENCY TO EASILY ASSIST ANOTHER LAW ENFORCEMENT AGENCY
WHENEVER NECESSARY AND TO MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-288 reads as rewritten:

"§ 160A-288. Cooperation between law-enforcement agencies.

(a) ~~In accordance with rules, policies, or guidelines~~ Unless specifically prohibited or limited by an ordinance officially adopted by the governing body of the city or county by which ~~he the person~~ is employed, ~~and subject to any conditions or restrictions included therein, appointed, or elected to serve,~~ the head of any law-enforcement agency may temporarily provide assistance to another agency in enforcing the laws of North Carolina if so requested in writing by the head of the requesting agency. The assistance may comprise allowing officers of the agency 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 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 in addition to those ~~he the officer~~ normally possesses. While on duty with the requesting agency, ~~he the officer~~ shall be subject to the lawful operational commands of ~~his the officer's~~ superior officers in the requesting agency, but ~~he the officer~~ shall for personnel and administrative purposes, remain under the control of ~~his the officer's~~ own agency, including for purposes of pay. ~~He~~ The officer shall furthermore be entitled to workers' compensation and the same benefits when acting pursuant to this section to the same extent as though ~~he the officer~~ were functioning within the normal scope of ~~his the officer's~~ duties.

(b) As used in this section:

- (1) "Head" means any director or chief officer of a law-enforcement agency including the chief of police of a local department, chief of police of county police department, and the sheriff of a county, or an officer of one of the above named agencies to whom the head of that agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.
- (2) "Law-enforcement agency" means only a municipal police department, a county police department, or a sheriff's ~~department~~ office. All other State and local agencies are exempted from the provisions of this section.

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1 **SECTION 2.** G.S. 160A-288.2 reads as rewritten:

2 "**§ 160A-288.2. Assistance to State law-enforcement agencies.**

3 (a) ~~In accordance with rules, policies, or guidelines~~ Unless specifically prohibited or
4 limited by an ordinance officially adopted by the governing body of the city or county by which
5 ~~he the officer~~ is employed, ~~and subject to any conditions or restrictions included therein,~~
6 appointed, or elected to serve, the head of any local law-enforcement agency may temporarily
7 provide assistance to a State law-enforcement agency in enforcing the laws of North Carolina if
8 so requested in writing by the head of the State agency. The assistance may comprise allowing
9 officers of the local agency to work temporarily with officers of the State agency (including in
10 an undercover capacity) and lending equipment and supplies. While working with the State
11 agency under the authority of this section, an officer shall have the same jurisdiction, powers,
12 rights, privileges and immunities (including those relating to the defense of civil actions and the
13 payment of judgments) as the officers of the State agency in addition to those ~~he the officer~~
14 normally possesses. While on duty with the State agency, ~~he the officer~~ shall be subject to the
15 lawful operational commands of ~~his the officer's~~ superior officers in the State agency, but ~~he~~
16 the officer shall for personnel and administrative purposes, remain under the control of the
17 local agency, including for purposes of pay. ~~He~~ The officer shall furthermore be entitled to
18 workers' compensation and the same benefits when acting pursuant to this section to the same
19 extent as though ~~he the officer~~ were functioning within the normal scope of ~~his the officer's~~
20 duties.

21 (b) As used in this section:

22 (1) "Head" means any director or chief officer of any State or local
23 law-enforcement agency including the chief of police of a local department,
24 chief of police of a county police department, and the sheriff of a county, or
25 an officer of the agency to whom the head of that agency has delegated
26 authority to make or grant requests under this section, but only one officer in
27 the agency shall have this delegated authority at any time.

28 (2) "Local law-enforcement agency" means any municipal police department, a
29 county police department, or a sheriff's department.office.

30 "

31 **SECTION 3.** This act is effective when it becomes law.