

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 99
Feb 18, 2019
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40060-MM-7B*

Short Title: Transfer ALE.

(Public)

Sponsors: Representatives McNeill and Boles (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH ALCOHOL LAW ENFORCEMENT AS A SEPARATE DIVISION
3 OF THE DEPARTMENT OF PUBLIC SAFETY AND TO CLARIFY THE
4 JURISDICTION AND PRIMARY RESPONSIBILITIES OF ALCOHOL
5 LAW-ENFORCEMENT AGENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Alcohol Law Enforcement Branch of the State Bureau of
8 Investigation shall be relocated as a division of the Department of Public Safety. The Department
9 of Public Safety shall continue to consolidate ALE and SBI regions and regional offices in the
10 same manner so that all district offices remain co-located.

11 **SECTION 2.** Part 4 of Article 13 of Chapter 143B of the General Statutes is amended
12 by adding a new Subpart to read:

13 "Subpart F. Alcohol Law Enforcement Division.

14 **§ 143B-990. Creation of Alcohol Law Enforcement Division of the Department of Public**
15 **Safety.**

16 There is created and established a division to be known as the Alcohol Law Enforcement
17 Division of the Department of Public Safety with the organization, powers, and duties defined in
18 Article 1 of this Chapter and G.S. 18B-500, except as modified in this Part."

19 **SECTION 3.** G.S. 143B-928 is repealed.

20 **SECTION 4.** G.S. 18B-500 reads as rewritten:

21 **§ 18B-500. Alcohol law-enforcement agents.**

22 (a) Appointment. – ~~The Director of the State Bureau of Investigation shall~~ Division of
23 Alcohol Law Enforcement of the Department of Public Safety may appoint alcohol
24 law-enforcement agents and other enforcement personnel. a sufficient number of assistants who
25 shall be competent and qualified to do the work of the Division. The Director may also appoint
26 regular employees of the Commission as alcohol law-enforcement agents. shall be responsible
27 for making all hiring and personnel decisions of the Division. Notwithstanding the provisions of
28 this Chapter or Chapter 143A of the General Statutes, the Director may hire or fire personnel and
29 transfer personnel within the Division. Alcohol law-enforcement agents shall be designated as
30 "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement agents
31 are considered employees of the Alcohol Law Enforcement Branch-Division for workers'
32 compensation purposes while performing duties assigned or approved by the Head-Director of
33 the Alcohol Law Enforcement Branch-Division or the Head's-Director's designee.

34 (b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an
35 alcohol law-enforcement agent shall have authority to arrest and take other investigatory and
36 enforcement actions for ~~any criminal offense.~~ all of the following:



- (1) Enforcement of the provisions of this Chapter, Chapter 18C, G.S. 14-313, and Parts 1 and 2 of Article 37 of Chapter 14 of the General Statutes.
- (2) Any criminal offense discovered during the enforcement of subdivision (1) and (5) of this subsection.
- (3) Any criminal offense occurring in the agent's presence.
- (4) When assisting another law-enforcement agency during an investigation.
- (5) While carrying out any other duty assigned to the Division by law.

(b1) Primary responsibilities. – ~~The primary responsibility responsibilities of an alcohol law-enforcement agent shall be enforcement of the ABC and lottery laws and G.S. 14-313 regarding youth access to tobacco products.~~ subdivision (1) of subsection (b) of this section.

...
 (g) Shifting of Personnel From One District to Another. – ~~The Head-Director~~ of the Alcohol Law Enforcement Branch, Division, under rules adopted by the Department of Public Safety may, from time to time, shift the forces from one district to another or consolidate more than one district force at any point for special purposes. Whenever an agent of the Alcohol Law Enforcement ~~Section-Division~~ is transferred from one district to another for the convenience of the State or for reasons other than the request of the agent, the Department shall be responsible for transporting the household goods, furniture, and personal apparel of the agent and members of the agent's household."

SECTION 5. G.S. 18B-101 reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

- ...
- (3) "ABC system" means a local board and all ABC stores operated by it, ~~its law-enforcement branch, the ALE Division,~~ and all ~~its~~ of the Division's employees.
- ...
- (5) "~~ALE Branch-Division~~" means the Alcohol Law Enforcement ~~Branch~~ Division of the Department of Public Safety.

...."

SECTION 6. G.S. 143-651 reads as rewritten:

"§ 143-651. Definitions.

The following definitions apply in this Article:

- ...
- (4a) ~~Branch.~~ ~~The Alcohol Law Enforcement Branch of the State Bureau of Investigation.~~
- ...
- (7a) Division or ALE Division. – The Alcohol Law Enforcement Division of the Department of Public Safety.
- ...
- (23b) Sanctioned amateur match. – Any match regulated by an amateur sports organization that has been recognized and approved by the ~~Branch~~ ALE Division.

...."

SECTION 7. G.S. 143-652.1 reads as rewritten:

"§ 143-652.1. Regulation of boxing, kickboxing, mixed martial arts, and toughman events.

~~The Alcohol Law Enforcement Branch of the Department of Public Safety~~ ALE Division shall regulate live boxing, kickboxing, and mixed martial arts matches, whether professional, amateur, or sanctioned amateur, or toughman events, in which admission is charged for viewing, or the contestants compete for a purse or prize of value greater than twenty-five dollars (\$25.00). ~~The Branch~~ ALE Division shall have the exclusive authority to approve and issue rules for the

1 regulation of the conduct, promotion, and performances of live boxing, kickboxing, and mixed
2 martial arts matches and exhibitions, whether professional, amateur, or sanctioned amateur, and
3 toughman events in this State. The rules shall be issued pursuant to the provisions of Chapter
4 150B of the General Statutes and may include, without limitation, the following subjects:

5"

6 **SECTION 8.** G.S. 143-652.2 reads as rewritten:

7 **"§ 143-652.2. Boxing Advisory Commission.**

8 (a) Creation. – The Boxing Advisory Commission is created within the Department of
9 Public Safety to advise the ~~Alcohol Law Enforcement Branch of the Department of Public Safety~~
10 ALE Division concerning matters regulated by this Article. The Commission shall consist of six
11 voting members and two nonvoting advisory members. All the members shall be residents of
12 North Carolina. The members shall be appointed as follows:

- 13 (1) One voting member shall be appointed by the Governor for an initial term of
14 two years.
- 15 (2) One voting member shall be appointed by the President Pro Tempore of the
16 Senate for an initial term of three years.
- 17 (3) One voting member shall be appointed by the Speaker of the House of
18 Representatives for an initial term of three years.
- 19 (4) One voting member shall be appointed by the Secretary of Public Safety for
20 an initial term of three years.
- 21 (5) One voting member shall be appointed by the Lieutenant Governor for an
22 initial term of two years.
- 23 (6) One voting member shall be appointed by the Tribal Council of the Eastern
24 Band of the Cherokee for an initial term of three years.
- 25 (7) One nonvoting advisory member shall be appointed by the Speaker of the
26 House of Representatives for an initial term of one year, from nominations
27 made by the North Carolina Medical Society, which shall nominate two
28 licensed physicians for the position.
- 29 (8) One nonvoting advisory member shall be appointed by the President Pro
30 Tempore of the Senate for an initial term of one year, from nominations made
31 by the North Carolina Medical Society, which shall nominate two licensed
32 physicians for the position.

33 Notwithstanding the schedule above in subdivisions (1), (5), (7), and (8) of this subsection,
34 if any former member of the North Carolina Boxing Commission is appointed to the initial
35 membership, that person shall serve an initial term of three years. The member appointed
36 pursuant to subdivision (6) of this subsection may serve on the Commission only if an agreement
37 exists and remains in effect between the Tribal Council of the Eastern Band of the Cherokee and
38 the Commission authorizing the Commission to regulate professional boxing matches within the
39 Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.

40 The two nonvoting advisory members appointed pursuant to subdivisions (7) and (8) of this
41 subsection shall advise the Commission and the ~~Branch~~ ALE Division on matters concerning the
42 health and physical condition of boxers and health issues relating to the conduct of exhibitions
43 and boxing matches. They may prepare and submit to the Commission for its consideration and
44 to the ~~Branch~~ ALE Division for its approval any rules that in their judgment will safeguard the
45 physical welfare of all participants engaged in boxing.

46 Terms for all members of the Commission except for the initial appointments shall be for
47 three years.

48 The Secretary of Public Safety shall designate which member of the Commission is to serve
49 as chair. A member of the Commission may be removed from office by the Secretary of Public
50 Safety for cause. Members of the Commission are subject to the conflicts of interest requirements
51 of 15 U.S.C. § 6308 (contained in the Professional Boxing Safety Act of 1996, as amended).

1 Each member, before entering upon the duties of a member, shall take and subscribe an oath to
2 perform the duties of the office faithfully, impartially, and justly to the best of the member's
3 ability. A record of these oaths shall be filed in the Department of Public Safety.

4 ...

5 (d) Review Authority of the Commission. – The Commission shall review existing rules
6 adopted under this Article and shall from time to time make recommendations to the ~~Branch~~ALE
7 Division for changes or addition to such rules. Any proposals for change, amendment, addition,
8 or deletion to those rules shall be submitted by the ~~Branch~~ALE Division to the Commission for
9 its comments prior to approval.

10"

11 **SECTION 9.(a)** The following statutes are amended by deleting the word "Branch"
12 wherever it appears in uppercase and substituting "Division": G.S. 18B-201, 18B-202, 18B-203,
13 18B-504, 18B-805, 18B-902, 18B-903, 18B-903.1, 18B-904, 18C-163, 19-2.1, and
14 105-259(b)(15).

15 **SECTION 9.(b)** The following statutes are amended by deleting the word "Branch"
16 wherever it appears in uppercase and substituting "ALE Division": G.S. 143-654, 143-655, and
17 143-656.

18 **SECTION 10.** This act becomes effective July 1, 2019.