

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 191
PROPOSED HOUSE COMMITTEE SUBSTITUTE S191-PCS15363-SA-51

Short Title: Out-of-State Law Enforcement/2020 Rep Convtn.

(Public)

Sponsors:

Referred to:

March 6, 2019

1 AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE
2 HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO
3 CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE
4 LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION AND
5 TO MODIFY THE HOURS FOR ALCOHOL SALE AND CONSUMPTION IN CERTAIN
6 CIRCUMSTANCES.

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 the
12 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 exceeds
14 500,000 may request and enter into temporary intergovernmental law enforcement agreements
15 with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in
16 enforcing the laws of North Carolina within the jurisdiction of the requesting municipality if so
17 requested in writing by the head of the requesting agency. The assistance may comprise allowing
18 out-of-state law enforcement officers to work temporarily with officers of the requesting agency
19 (including in an undercover capacity) and lending equipment and supplies. While working with
20 the requesting agency under the authority of this section, an out-of-state law enforcement officer
21 shall have the same jurisdiction, powers, rights, privileges, and immunities (including those
22 relating to the defense of civil actions and payment of judgments) as the officers of the requesting
23 agency. While on duty with the requesting agency, the out-of-state law enforcement officer shall
24 be subject to the lawful operational commands of the chief of police and the chief's chain of
25 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 to
30 make or grant requests under this section.

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

34 (3) "Out-of-state law enforcement officer" means a full-time paid employee of a
35 governmental employer who is actively serving in a position with assigned
36 primary duties and responsibilities for prevention and detection of crime or



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1 the general enforcement of the criminal laws of the officer's home jurisdiction
2 or serving civil processes, and who possesses the power of arrest by virtue of
3 an oath administered under the authority of the home jurisdiction, and who is
4 in good standing and has no pending civil, criminal, or departmental action
5 that would disqualify the officer if the officer were certified by this State.

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

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

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

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

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

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

36 (g) This section becomes effective January 1, 2020, applies to all intergovernmental law
37 enforcement agreements entered into on or after that date, and expires October 1, 2020."

38 **SECTION 2.(a)** G.S. 18B-1004 is amended by adding a new subsection to read:

39 "(a1) Hours Exception. – Notwithstanding subsection (a) of this section, a permittee that
40 has been issued a permit pursuant to (i) G.S. 18B-1001(1), (3), (5), (8), (9), or (10) or (ii)
41 G.S. 18B-1002(a)(2) or G.S. 18B-1002(a)(5) may sell alcoholic beverages authorized by the
42 permit until 4:00 A.M. and allow consumption of those alcoholic beverages until 4:30 A.M. if
43 the permitted premises are located in either of the following:

44 (1) A county that has a population of at least 900,000 according to the last
45 decennial census and has a State line as one border.

46 (2) A county that shares a border with a county that meets the criteria of
47 subdivision (1) of this subsection."

48 **SECTION 2.(b)** This section becomes effective August 22, 2020, and expires
49 August 30, 2020.

50 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
51 law.