

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 191  
House Committee Substitute Favorable 6/17/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S191-PCS35306-SU-44

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

(Public)

Sponsors:

Referred to:

March 6, 2019

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; TO MODIFY THE HOURS FOR ALCOHOL SALE AND CONSUMPTION IN CERTAIN CIRCUMSTANCES; AND TO AMEND A PROVISION OF THE BUDGET, IF ENACTED, RELATED TO RELOCATION OF DEPARTMENT OF HEALTH AND HUMAN SERVICES FACILITIES.

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.



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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 jurisdiction  
8           or serving civil processes, and who possesses the power of arrest by virtue of  
9           an oath administered under the authority of the home jurisdiction, and who is  
10          in good standing and has no pending civil, criminal, or departmental action  
11          that would disqualify the officer if the officer were certified by this State.

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

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

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

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

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

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

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

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

45          "(a1) Hours Exception. – Notwithstanding subsection (a) of this section, a permittee that  
46          has been issued a permit pursuant to (i) G.S. 18B-1001(1), (3), (5), (8), (9), or (10) or (ii)  
47          G.S. 18B-1002(a)(2) or G.S. 18B-1002(a)(5) may sell alcoholic beverages authorized by the  
48          permit until 4:00 A.M. and allow consumption of those alcoholic beverages until 4:30 A.M. if  
49          the permitted premises are located in a county that has a population of at least 900,000 according  
50          to the last federal decennial census and has a State line as one border."

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

3           **SECTION 2.5.(a)** If House Bill 966, 2019 Regular Session of the 2019 General  
4 Assembly, becomes law, then Section 39.2(m) of that act reads as rewritten:

5           **"SECTION 39.2.(m)** The Department of Administration shall select land located in  
6 Granville County suitable for the relocation of the Department of Health and Human Services  
7 facilities at the Dix Campus in Raleigh. Provided the land is donated to the State or conveyed for  
8 the sum of one dollar (\$1.00), the land selected shall be in the Triangle North Granville Business  
9 and Industrial Park owned by Kerr-Tar Regional Economic Development Corporation and/or  
10 Granville County (Tax Map Numbers 193302865830 and 193303448686: Book 1412, Page 291  
11 and Book 1223, Page 131, Granville County Registry)."

12           **SECTION 2.5.(b)** This section becomes effective July 1, 2019.

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