

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35067-ND-15

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

Sponsors: Senators Waddell and Bishop (Primary Sponsors).

Referred to:

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.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 160A-288.3. Assistance by out-of-state law enforcement officers; rules.**

9 (a) In accordance with rules, policies, or guidelines adopted by the governing body of the
10 city by which the officer is employed, and subject to any conditions or restrictions included
11 therein, the head of any law enforcement agency of a municipality with a population that exceeds
12 500,000 may request and enter into temporary intergovernmental law enforcement agreements
13 with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in
14 enforcing the laws of North Carolina within the jurisdiction of the requesting municipality if so
15 requested in writing by the head of the requesting agency. The assistance may comprise allowing
16 out-of-state law enforcement officers to work temporarily with officers of the requesting agency
17 (including in an undercover capacity) and lending equipment and supplies. While working with
18 the requesting agency under the authority of this section, an out-of-state law enforcement officer
19 shall have the same jurisdiction, powers, rights, privileges, and immunities (including those
20 relating to the defense of civil actions and payment of judgments) as the officers of the requesting
21 agency. While on duty with the requesting agency, the out-of-state law enforcement officer shall
22 be subject to the lawful operational commands of the chief of police and the chief's chain of
23 command for the requesting agency.

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

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

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

32 (3) "Out-of-state law enforcement officer" means a full-time paid employee of a
33 governmental employer who is actively serving in a position with assigned
34 primary duties and responsibilities for prevention and detection of crime or
35 the general enforcement of the criminal laws of the officer's home jurisdiction
36 or serving civil processes, and who possesses the power of arrest by virtue of



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1 an oath administered under the authority of the home jurisdiction, and who is
2 in good standing and has no pending civil, criminal, or departmental action
3 that would disqualify the officer if the officer were certified by this State.

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

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

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

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

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

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

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

36 **SECTION 2.** This act is effective as provided herein.