

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 689
Senate Judiciary II Committee Substitute Adopted 6/12/01**

Short Title: TVA Officers' Authority.

(Public)

Sponsors:

Referred to:

March 19, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO
3 PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT
4 AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW
5 ENFORCEMENT OFFICERS AND TO INCLUDE ALEXANDER COUNTY
6 AMONG THOSE COUNTIES IN WHICH VACANCIES IN THE OFFICE OF
7 SHERIFF ARE FILLED THROUGH CONSULTATION WITH THE POLITICAL
8 PARTY OF THE PREVIOUS SHERIFF.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 15A-406(a) reads as rewritten:

11 "(a) For purposes of this section, "federal law enforcement officer" means any of
12 the following persons who are employed as full-time law enforcement officers by the
13 federal government and who are authorized to carry firearms in the performance of their
14 duties:

- 15 (1) United States Secret Service special agents;
- 16 (2) Federal Bureau of Investigation special agents;
- 17 (3) Bureau of Alcohol, Tobacco and Firearms special agents;
- 18 (4) United States Naval Investigative Service special agents;
- 19 (5) Drug Enforcement Administration special agents;
- 20 (6) United States Customs Service officers;
- 21 (7) United States Postal Service inspectors;
- 22 (8) Internal Revenue Service special agents;
- 23 (9) United States Marshals Service marshals and deputies;
- 24 (10) United States Forest Service officers;
- 25 (11) National Park Service officers;
- 26 (12) United States Fish and Wildlife Service officers; ~~and~~
- 27 (13) Immigration and Naturalization Service ~~officers~~officers; ~~and~~
- 28 (14) Tennessee Valley Authority officers."

29 **SECTION 2.** G.S. 162-5.1 reads as rewritten:

1 "§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or
2 chief deputy.

3 If any vacancy occurs in the office of sheriff, the coroner of the county shall execute
4 all process directed to the sheriff until the board shall elect a sheriff to supply the
5 vacancy for the residue of the term, who shall possess the same qualifications, enter into
6 the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff
7 were elected as a nominee of a political party, the board of commissioners shall consult
8 the county executive committee of that political party before filling the vacancy, and
9 shall elect the person recommended by the county executive committee of that party, if
10 the party makes a recommendation within 30 days of the occurrence of the vacancy. If
11 the board should fail to fill such vacancy, the coroner shall continue to discharge the
12 duties of sheriff until it shall be filled.

13 In those counties where the office of coroner has been abolished, the chief deputy
14 sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall
15 perform all the duties of the sheriff until the county commissioners appoint some person
16 to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the
17 interim of the vacancy, continue to perform their duties with full authority.

18 This section shall apply only in the following counties: Alamance, Alexander,
19 Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell,
20 Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston,
21 Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell,
22 Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Rockingham,
23 Rutherford, Sampson, Stanly, Stokes, Transylvania, Wake, and Yancey."

24 **SECTION 3.** Section 1 of this act becomes effective October 1, 2001. The
25 remainder of this act is effective when it becomes law.