

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

5

HOUSE BILL 316
Committee Substitute Favorable 3/16/11
Third Edition Engrossed 3/17/11
Senate Rules and Operations of the Senate Committee Substitute Adopted 4/7/11
Fifth Edition Engrossed 4/20/11

Short Title: Modify NCGA Police Powers.

(Public)

Sponsors:

Referred to:

March 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL
3 POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 120-32.2 reads as rewritten:

6 "§ 120-32.2. General Assembly Special Police.

7 (a) All sworn members of the General Assembly Special Police employed by the
8 Legislative Services Office are special police officers, and have all the powers of policemen of
9 cities, within any of the following areas of jurisdiction, while on official duty:

10 (1) Within those areas of the City of Raleigh and of the unincorporated parts of
11 Wake County surrounded by the innermost right-of-way of Interstate 440.

12 (2) ~~In any part of~~ Throughout the State:

13 a. While accompanying a member of the General Assembly who is
14 conducting, or traveling to or from, his or her official duties.

15 b. While preparing for, or providing security to, a session of either or
16 both houses of the General Assembly, or official events directly
17 related to that session.

18 c. While performing advance work for continuity of government
19 planning and performing advance work and providing security for
20 the protection of legislative members, staff, and the public for any
21 meeting of a study, standing, select, or joint select committee, a
22 caucus, or any committee or commission meeting of the General
23 Assembly, or any state, regional, or national meetings of legislative
24 bodies or organizations representing legislative bodies, and while
25 accompanying a member of the General Assembly to or from any
26 event listed in this subdivision.

27 d. While conducting a criminal investigation of a threat of physical
28 violence against the General Assembly, a member or staff of the
29 General Assembly, or their immediate family.

30 e. While accompanying a member of the General Assembly for the
31 purpose of providing executive protection in response to a threat of
32 physical violence.



1 f. While serving a subpoena issued by the General Assembly or any
2 committee of the General Assembly authorized to issue a subpoena
3 under the provisions of Chapter 120 of the General Statutes.

4 (b) General Assembly Special Police officers may arrest persons outside the areas
5 described in subsection (a) of this section when the person arrested has committed a criminal
6 offense within any of the areas, for which the officer could have arrested the person within that
7 area, and the arrest is made during such person's immediate and continuous flight from that
8 area.

9 (c) The General Assembly Special Police officers have the exclusive authority and
10 responsibility for enforcing the parking rules of the Legislative Services Commission."

11 **SECTION 2.** G.S. 120-19.2(d) reads as rewritten:

12 (d) Any witness shall have five days' notice of hearing, unless waived by the witness,
13 and subpoenas may be served by a member of the General Assembly Special Police, the State
14 Bureau of Investigation, the State Highway Patrol, or within their respective jurisdiction by any
15 sheriff or deputy, or any municipal police officer or other law-enforcement officer. Members of
16 the General Assembly Special Police may serve subpoenas issued under this Chapter anywhere
17 in the State. In addition, a subpoena may be served in the manner provided for service of
18 subpoenas under the North Carolina Rules of Civil Procedure."

19 **SECTION 3.** G.S. 120-32.1(b) reads as rewritten:

20 (b) The Legislative Services Officer shall have posted the rules adopted by the
21 Legislative Services Commission under the authority of this section in a conspicuous place in
22 the State Legislative Building and the Legislative Office Building. The Legislative Services
23 Officer shall have filed a copy of the rules, certified by the chairman of the Legislative Services
24 Commission, in the office of the Secretary of State and in the office of the Clerk of the Superior
25 Court of Wake County. When so posted and filed, these rules shall constitute notice to all
26 persons of the existence and text of the rules. Any person, whether on his own behalf or for
27 another, or acting as an agent or representative of any person, firm, corporation, partnership or
28 association, who knowingly violates any of the rules adopted, posted and filed under the
29 authority of this section is guilty of a Class 1 misdemeanor. Any person, firm, corporation,
30 partnership or association who combines, confederates, conspires, aids, abets, solicits, urges,
31 instigates, counsels, advises, encourages or procures another or others to knowingly violate any
32 of the rules adopted, posted and filed under the authority of this section is guilty of a Class 1
33 misdemeanor. The President Pro Tempore of the Senate and the Speaker of the House of
34 Representatives may waive in writing the application of any rule adopted by the Legislative
35 Services Commission to either or both of the House and Senate Sergeants-at-Arms of the
36 General Assembly, and such a jointly-executed waiver shall be a defense against any
37 prosecution for violation of such rule. Such a waiver shall extend no longer than the expiration
38 of their then current term of office. A copy of such waiver shall be delivered to the Chief of the
39 General Assembly Special Police."

40 **SECTION 4.** This act is effective when it becomes law.