

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 600

Short Title: Out-of-State Law Enforcement/Special Events.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Judiciary I.

April 19, 2011

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.

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 officially 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 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 officers of the out-of-state agencies 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 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 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.
- (2) "Law enforcement agency" means a municipal police department for a municipality that has a population of more than 500,000. All other State and local agencies are exempted from the provisions of this section.
- (3) "Out-of-state law enforcement officer" means a full-time paid employee of a governmental employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State or serving civil processes, and who possesses the power of arrest by virtue of an oath



1 administered under the authority of the home state, who is in good standing  
2 and has no pending civil, criminal, or departmental action that would  
3 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  
7 general enforcement of the criminal laws of the State or serving civil  
8 processes, and which has employees who possess the power of arrest by  
9 virtue of an oath administered under the authority of the home state.

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 the one of the appointive  
18 offices held is that of out-of-state law enforcement officer and the other appointive office is that  
19 of a law enforcement officer for a municipality authorized to enter into temporary  
20 intergovernmental law enforcement agreements pursuant to this section.

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

29 (f) This section shall expire on October 1, 2012."

30 **SECTION 2.** This act becomes effective January 1, 2012, and applies to all  
31 intergovernmental law enforcement agreements entered into on or after that date.