

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 600  
Judiciary I Committee Substitute Adopted 5/10/11

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

(Public)

Sponsors:

Referred to:

April 19, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE  
3 HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO  
4 CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO  
5 PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL  
6 CONVENTION.

7 The General Assembly of North Carolina enacts:

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

10 **"§ 160A-288.3. Assistance by out-of-state law enforcement officers; rules.**

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

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

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

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

34 (3) "Out-of-state law enforcement officer" means a full-time paid employee of a  
35 governmental employer who is actively serving in a position with assigned  
36 primary duties and responsibilities for prevention and detection of crime or  
37 the general enforcement of the criminal laws of the officer's home



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

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

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

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

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

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

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

36 (g) This section shall expire on October 1, 2012."

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