

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 629
Committee Substitute Favorable 4/15/19

Short Title: Law Enforcement Mutual Aid.

(Public)

Sponsors:

Referred to:

April 9, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE MUTUAL AID AGREEMENTS WITH OUT-OF-STATE LAW
3 ENFORCEMENT AGENCIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-288 reads as rewritten:

6 "**§ 160A-288. Cooperation between ~~law-enforcement~~ law enforcement agencies.**

7 (a) Unless specifically prohibited or limited by an ordinance officially adopted by the
8 governing body of the city or county by which the person is employed, appointed, or elected to
9 serve, the head of any ~~law-enforcement~~ law enforcement agency may temporarily provide
10 assistance to another agency ~~in enforcing the laws of North Carolina~~ if so requested in writing
11 by the head of the requesting agency. The assistance may comprise allowing officers of the
12 agency to work temporarily with officers of the requesting agency (including in an undercover
13 capacity) and lending equipment and supplies. While working with the requesting agency under
14 the authority of this section, an officer shall have the same jurisdiction, powers, rights, privileges
15 and immunities (including those relating to the defense of civil actions and payment of
16 judgments) as the officers of the requesting agency in addition to those the officer normally
17 possesses. While on duty with the requesting agency, the officer shall be subject to the lawful
18 operational commands of the officer's superior officers in the requesting agency, but the officer
19 shall for personnel and administrative purposes, remain under the control of the officer's own
20 agency, including for purposes of pay. The officer shall furthermore be entitled to workers'
21 compensation and the same benefits when acting pursuant to this section to the same extent as
22 though the officer were functioning within the normal scope of the officer's duties.

23 (b) As used in this section:

24 (1) "Head" means any director or chief officer of a ~~law-enforcement~~ law
25 enforcement agency including the chief of police of a local department, chief
26 of police of county police department, and the sheriff of a county, or an officer
27 of one of the above named agencies to whom the head of that agency has
28 delegated authority to make or grant requests under this section, but only one
29 officer in the agency shall have this delegated authority at any time.

30 (2) "~~Law-enforcement agency~~" "Law enforcement agency" or "agency" means
31 ~~only~~ a municipal police department, a county police department, or a sheriff's
32 ~~office.~~ office of this State. Subject to G.S. 15A-403, it also includes a
33 municipal police department or sheriff's office of another state if the laws of
34 the other state allow for the provision of mutual aid with out-of-state law
35 enforcement officers. All other State and local agencies are exempted from
36 the provisions of this section.



1 (c) This section in no way reduces the jurisdiction or authority of State ~~law enforcement~~
2 law enforcement officers.

3 (d) For purposes of this section, the following shall be considered the equivalent of a
4 municipal police department:

5 (1) Campus ~~law enforcement~~ law enforcement agencies established pursuant to
6 G.S. 115D-21.1(a) or G.S. 116-40.5(a).

7 (2) Colleges or universities which are licensed, or exempted from licensure, by
8 G.S. 116-15 and which employ company police officers commissioned by the
9 Attorney General pursuant to Chapter 74E or Chapter 74G of the General
10 Statutes.

11 (3) Law enforcement agencies operated or eligible to be operated by a
12 municipality pursuant to G.S. 63-53(2).

13 (4) Repealed by Session Laws 2013-360, s. 16B.4(d), effective July 1, 2013.

14 (5) A Company Police agency of the Department of Agriculture and Consumer
15 Services commissioned by the Attorney General pursuant to Chapter 74E of
16 the General Statutes."

17 **SECTION 2.** This act is effective when it becomes law.