

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1156

Short Title: Private Campus Police Change.

(Public)

Sponsors: Representatives Blue; and H. Hunter.

Referred to: Judiciary.

April 10, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE POWERS OF COMPANY POLICE OFFICERS SERVING NORTH CAROLINA PRIVATE COLLEGES AND UNIVERSITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74A-2 reads as rewritten:

"§ 74A-2. **Oath and powers of company police; exceptions as to railroad police.**
police and campus law enforcement.

(a) Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the usual oath.

(b) Such policemen, while in the performance of the duties of their employment, shall severally possess all the powers of municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions:

(1) Upon property owned by or in the possession and control of their respective employers; or

(2) Upon property owned by or in the possession and control of any person or persons who shall have contracted with their employer or employers to provide security for protective services for such property; or

(3) Upon any other premises while in hot pursuit of any person or persons for any offense committed upon property vested in subdivisions (1) and (2) above.

(c) Repealed by Session Laws 1981, c. 884, s. 4.

1 (d) The limitations on the power to make arrests contained in subdivisions (1),
2 (2) and (3) of subsection (b) shall not be applicable to policemen appointed for any
3 railroad company. Policemen appointed for railroad companies shall be required to post
4 a bond in the sum of five hundred dollars (\$500.00) in lieu of the bond required by
5 subsection (c).

6 (e) Private Colleges and Universities.

7 (1) In addition to the power to make arrests contained in subsection (b) of
8 this section, such policemen who are employed by colleges and
9 universities which are licensed, or exempted from licensure, by G.S.
10 116-15 shall have the same authority upon that portion of any public
11 road or highway passing through or immediately adjoining the
12 property described in subsection (b) of this section, wherever located.

13 (2) The board of trustees of any college or university which is licensed, or
14 exempted from licensure, by G.S. 116-15 may enter into joint
15 agreements with the governing board of any municipality to extend the
16 law-enforcement authority of such policemen employed by the college
17 or university into any or all of the municipality's jurisdiction and to
18 determine the circumstances in which this extension of authority may
19 be granted.

20 (3) The board of trustees of any college or university which is licensed, or
21 exempted from licensure, by G.S. 116-15 may enter into joint
22 agreements with the consent of the sheriff, to extend the law-
23 enforcement authority of such policemen employed by the college or
24 university into any or all of the county's jurisdiction and to determine
25 the circumstances in which this extension of authority may be
26 granted."

27 Sec. 2. G.S. 160A-288 reads as rewritten:

28 "**§ 160A-288. Cooperation between law-enforcement agencies.**

29 (a) In accordance with rules, policies, or guidelines officially adopted by the
30 governing body of the city or county by which he is employed, and subject to any
31 conditions or restrictions included therein, the head of any law-enforcement agency may
32 temporarily provide assistance to another agency in enforcing the laws of North
33 Carolina if so requested in writing by the head of the requesting agency. The assistance
34 may comprise allowing officers of the agency to work temporarily with officers of the
35 requesting agency (including in an undercover capacity) and lending equipment and
36 supplies. While working with the requesting agency under the authority of this section,
37 an officer shall have the same jurisdiction, powers, rights, privileges and immunities
38 (including those relating to the defense of civil actions and payment of judgments) as
39 the officers of the requesting agency in addition to those he normally possesses. While
40 on duty with the requesting agency, he shall be subject to the lawful operational
41 commands of his superior officers in the requesting agency, but he shall for personnel
42 and administrative purposes, remain under the control of his own agency, including for
43 purposes of pay. He shall furthermore be entitled to workmen's compensation and the

1 same benefits when acting pursuant to this section to the same extent as though he were
2 functioning within the normal scope of his duties.

3 (b) As used in this section:

4 (1) 'Head' means any director or chief officer of a law-enforcement
5 agency including the chief of police of a local department, chief of
6 police of county police department, and the sheriff of a county, or an
7 officer of one of the above named agencies to whom the head of that
8 agency has delegated authority to make or grant requests under this
9 section, but only one officer in the agency shall have this delegated
10 authority at any time.

11 (2) 'Law-enforcement agency' means only a municipal police department,
12 a county police department, or a sheriff's department. All other State
13 and local agencies are exempted from the provisions of this section.

14 (c) This section in no way reduces the jurisdiction or authority of State law-
15 enforcement officers.

16 (d) For purposes of this section, ~~a campus law enforcement agency~~ the following
17 shall be considered the equivalent of a municipal police department: ~~department:~~

18 (1) Campus law-enforcement agencies established pursuant to G.S. 116-
19 40.5(a); and

20 (2) Colleges or universities which are licensed, or exempted from
21 licensure, by G.S. 116-15 and which employ police officers certified
22 by the Attorney General pursuant to Chapter 74A."

23 Sec. 3. G.S. 160A-288.2 reads as rewritten:

24 "**§ 160A-288.2. Assistance to State law-enforcement agencies.**

25 (a) In accordance with rules, policies, or guidelines officially adopted by the
26 governing body of the city or county by which he is employed, and subject to any
27 conditions or restrictions included therein, the head of any local law-enforcement
28 agency may temporarily provide assistance to a State law-enforcement agency in
29 enforcing the laws of North Carolina if so requested in writing by the head of the State
30 agency. The assistance may comprise allowing officers of the local agency to work
31 temporarily with officers of the State agency (including in an undercover capacity) and
32 lending equipment and supplies. While working with the State agency under the
33 authority of this section, an officer shall have the same jurisdiction, powers, rights,
34 privileges and immunities (including those relating to the defense of civil actions and
35 the payment of judgments) as the officers of the State agency in addition to those he
36 normally possesses. While on duty with the State agency, he shall be subject to the
37 lawful operational commands of his superior officers in the State agency, but he shall
38 for personnel and administrative purposes, remain under the control of the local agency,
39 including for purposes of pay. He shall furthermore be entitled to workmen's
40 compensation and the same benefits when acting pursuant to this section to the same
41 extent as though he were functioning within the normal scope of his duties.

42 (b) As used in this section:

43 (1) 'Head' means any director or chief officer of any State or local law-
44 enforcement agency including the chief of police of a local

1 department, chief of police of a county police department, and the
2 sheriff of a county, or an officer of the agency to whom the head of
3 that agency has delegated authority to make or grant requests under
4 this section, but only one officer in the agency shall have this
5 delegated authority at any time.

6 (2) 'Local law-enforcement agency' means any municipal police
7 department, a county police department, or a sheriff's department.

8 (3) 'State law-enforcement agency' means any State agency, force,
9 department, or unit responsible for enforcing criminal laws.

10 (c) This section in no way reduces the jurisdiction or authority of State law-
11 enforcement officers.

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

14 (1) Campus law-enforcement agencies established pursuant to G.S. 116-
15 40.5(a); and

16 (2) Colleges or universities which are licensed, or exempted from
17 licensure, by G.S. 116-15 and which employ police officers certified
18 by the Attorney General pursuant to Chapter 74A."

19 Sec. 4. G.S. 15A-402(f) reads as rewritten:

20 "(f) Campus Police Officers, Immediate and Continuous Flight. – A campus
21 ~~police officer~~-officer: (i) appointed by a campus law-enforcement agency established
22 pursuant to G.S. 116-40.5(a); or (ii) appointed by the Attorney General pursuant to
23 Chapter 74A and employed by a college or university which is licensed, or exempted
24 from licensure, by G.S. 116-15 may arrest a person outside his territorial jurisdiction
25 when the person arrested has committed a criminal offense within the territorial
26 jurisdiction, for which the officer could have arrested the person within that territory,
27 and the arrest is made during such person's immediate and continuous flight from that
28 territory."

29 Sec. 5. This act shall become effective October 1, 1989.