

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 518
HOUSE BILL 1156

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(c) Repealed by Session Laws 1981, c. 884, s. 4.

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

(e) Private Colleges and Universities.

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

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

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

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

(a) In accordance with rules, policies, or guidelines officially adopted by the governing body of the city or county by which he is employed, and subject to any conditions or restrictions included therein, the head of any law-enforcement agency may temporarily provide assistance to another agency in enforcing the laws of North Carolina if so requested in writing by the head of the requesting agency. The assistance may comprise allowing officers of the agency 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 in addition to those he normally possesses. While on duty with the requesting agency, he shall be subject to the lawful operational commands of his superior officers in the requesting agency, but he shall for personnel and administrative purposes, remain under the control of his own agency, including for purposes of pay. He shall furthermore be entitled to workmen's compensation and the same benefits when acting pursuant to this section to the same extent as though he were functioning within the normal scope of his duties.

(b) As used in this section:

- (1) 'Head' means any director or chief officer of a law-enforcement agency including the chief of police of a local department, chief of police of county police department, and the sheriff of a county, or an officer of one of the above named agencies to whom the head of that agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.
- (2) 'Law-enforcement agency' means only a municipal police department, a county police department, or a sheriff's department. All other State and local agencies are exempted from the provisions of this section.

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

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

- (1) Campus law-enforcement agencies established pursuant to G.S. 116-40.5(a); and
- (2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ police officers certified by the Attorney General pursuant to Chapter 74A."

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

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

(a) In accordance with rules, policies, or guidelines officially adopted by the governing body of the city or county by which he is employed, and subject to any conditions or restrictions included therein, the head of any local law-enforcement agency may temporarily provide assistance to a State law-enforcement agency in enforcing the laws of North Carolina if so requested in writing by the head of the State agency. The assistance may comprise allowing officers of the local agency to work temporarily with officers of the State agency (including in an undercover capacity) and lending equipment and supplies. While working with the State 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 the payment of judgments) as the officers of the State agency in addition to those he normally possesses. While on duty with the State agency, he shall be subject to the lawful operational commands of his superior officers in the State agency, but he shall for personnel and administrative purposes, remain under the control of the local agency, including for purposes of pay. He shall furthermore be entitled to workmen's compensation and the same benefits when acting pursuant to this section to the same extent as though he were functioning within the normal scope of his duties.

(b) As used in this section:

- (1) 'Head' means any director or chief officer of any State or local law-enforcement agency including the chief of police of a local department, chief of police of a county police department, and the sheriff of a county, or an officer of the agency to whom the head of that agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.
- (2) 'Local law-enforcement agency' means any municipal police department, a county police department, or a sheriff's department.
- (3) 'State law-enforcement agency' means any State agency, force, department, or unit responsible for enforcing criminal laws.

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

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

- (1) Campus law-enforcement agencies established pursuant to G.S. 116-40.5(a); and
- (2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ police officers certified by the Attorney General pursuant to Chapter 74A."

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

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

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

In the General Assembly read three times and ratified this the 29th day of June, 1989.