

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 976

Short Title: Federal Officer Immunity.

(Public)

Sponsors: Representatives Anderson; and Bowman.

Referred to: Judiciary III.

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT FEDERAL OFFICERS AGAINST CIVIL LIABILITY
3 WHEN ASSISTING STATE OR LOCAL LAW ENFORCEMENT OFFICERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 15A of the General Statutes is amended by adding a new
6 section after G.S. 15A-405 to read:

7 "**§ 15A-406. Assistance by federal officers.**

8 (a) For purposes of this section, 'federal law enforcement officer' means any of
9 the following persons who are employed as full-time law enforcement officers by the
10 federal government and who are authorized to carry firearms in the performance of their
11 duties:

- 12 (1) United States Secret Service special agents;
- 13 (2) Federal Bureau of Investigation special agents;
- 14 (3) Bureau of Alcohol, Tobacco and Firearms special agents;
- 15 (4) United States Naval Investigative Service special agents;
- 16 (5) Drug Enforcement Administration special agents;
- 17 (6) United States Customs Service officers;
- 18 (7) United States Postal Service inspectors;
- 19 (8) Internal Revenue Service special agents;
- 20 (9) United States Marshals Service marshals and deputies;
- 21 (10) United States Forest Service officers;
- 22 (11) National Park Service officers.

23 (b) A federal law enforcement officer is authorized under the following
24 circumstances to enforce criminal laws anywhere within the State:

- 1 (1) If the federal law enforcement officer has probable cause to believe
2 that a person has committed a criminal offense in his presence and the
3 officer is engaged in the enforcement of federal criminal laws at the
4 time of the violation;
- 5 (2) If the federal law enforcement officer is asked by the head of a state or
6 local law enforcement agency, or his designee, to provide temporary
7 assistance and the request is within the scope of the state or local law
8 enforcement agency's subject matter and territorial jurisdiction; or
- 9 (3) If the federal law enforcement officer is asked by a state or local law
10 enforcement officer to provide temporary assistance when at the time
11 of the request the state or local law enforcement officer is acting
12 within the scope of his subject matter and territorial jurisdiction.
- 13 (c) A federal law enforcement officer shall have the same powers as those
14 invested by statute or common law in a North Carolina law enforcement officer, and
15 shall have the same legal immunity from personal civil liability as a North Carolina law
16 enforcement officer, while acting pursuant to this section.
- 17 (d) A federal law enforcement officer who acts pursuant to this section shall not
18 be considered an officer, employee, or agent of any state or local law enforcement
19 agency.
- 20 (e) For purposes of the Federal Tort Claims Act, a federal law enforcement
21 officer acts within the scope of his office or employment while acting pursuant to this
22 section.
- 23 (f) Nothing in this section shall be construed to expand the authority of federal
24 officers to initiate or conduct an independent investigation into violation of North
25 Carolina law."
- 26 Sec. 2. This act is effective upon ratification and applies to actions by federal
27 law enforcement officers occurring on or after that date.