

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 887

Short Title: County Police Force.

(Public)

Sponsors: Representative Capps.

Referred to: State Government.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A COUNTY MAY ESTABLISH A COUNTY POLICE FORCE SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS OF THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Article 10 of Chapter 153A of the General Statutes is amended by adding a new Part to read:

**"PART 1A. COUNTY POLICE.**

**"§ 153A-213. County police authorized; referendum to approve county law enforcement plan; oath of office; holding other office; powers and duties of policemen.**

(a) A county may establish a county law enforcement plan, appoint a county chief of police, and employ other police officers who may reside outside the limits of the county unless the board of county commissioners provides otherwise, subject to the approval of the qualified voters of the county.

(b) Upon development by the board of county commissioners of a proposed plan for law enforcement within the county, the board of county commissioners shall direct the county board of elections to conduct a referendum on the question of whether the county may establish a county police force. The election shall be conducted in accordance with the procedures of G.S. 163-287. The form of the question to be

1 presented on the ballot for a special election concerning establishment of a county police  
2 force as authorized by this Part shall be:

3 **[ ] FOR [ ] AGAINST**

4 Establishment of a county police force to provide law enforcement services within the  
5 county.'

6 (c) Each person appointed or employed as a county police chief or county police  
7 officer shall take and subscribe before some person authorized by law to administer oaths  
8 the oath of office required by Article VI, Sec. 7, of the Constitution. The oath shall be  
9 filed with the clerk of the board of county commissioners. The offices of county police  
10 officer and county police chief are hereby declared to be offices that may be held  
11 concurrently with any other appointive office pursuant to Article VI, Sec. 9, of the  
12 Constitution.

13 (d) As a peace officer, a county police officer shall have within the limits of the  
14 county all of the powers invested in law enforcement officers by statute or common law.  
15 A county police officer shall also have power to serve all civil and criminal process that  
16 may be directed to the police officer by any officer of the General Court of Justice and  
17 may enforce the ordinances and regulations of the county as the board of county  
18 commissioners may direct.

19 **"§ 153A-214. Training and development programs.**

20 A county shall have authority to plan and execute training and development programs  
21 for county law enforcement agencies, and for that purpose may:

- 22 (1) Contract with other cities, counties, and the State and federal  
23 governments and their agencies;  
24 (2) Accept, receive, and disburse funds, grants, and services;  
25 (3) Create joint agencies to act for and on behalf of participating counties  
26 and cities;  
27 (4) Make applications for, receive, administer, and expend federal grant  
28 funds; and  
29 (5) Appropriate and expend available tax or nontax funds."

30 Sec. 2. This act is effective upon ratification.