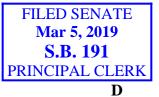
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019



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## SENATE BILL DRS35067-ND-15

Short Title:	Out-of-State Law Enforcement/2020 Rep Convtn.	(Public)
Sponsors:	Senators Waddell and Bishop (Primary Sponsors).	
Referred to:		

1	AN ACT	TO A	UTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE				
2	HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO						
3	CONT	CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE					
4	LAW	LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION.					
5	The Gener	ral Asse	embly of North Carolina enacts:				
6		SECT	<b>TON 1.</b> Article 13 of Chapter 160A of the General Statutes is amended by				
7	adding a n	new sec	tion to read:				
8	" <u>§ 160A-2</u>		Assistance by out-of-state law enforcement officers; rules.				
9	<u>(a)</u>	-	ordance with rules, policies, or guidelines adopted by the governing body of the				
10			e officer is employed, and subject to any conditions or restrictions included				
11	therein, the head of any law enforcement agency of a municipality with a population that exceeds						
12			uest and enter into temporary intergovernmental law enforcement agreements				
13	with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in						
14	enforcing the laws of North Carolina within the jurisdiction of the requesting municipality if so						
15	requested in writing by the head of the requesting agency. The assistance may comprise allowing						
16		out-of-state law enforcement officers to work temporarily with officers of the requesting agency					
17			indercover capacity) and lending equipment and supplies. While working with				
18	-		ency under the authority of this section, an out-of-state law enforcement officer				
19			me jurisdiction, powers, rights, privileges, and immunities (including those				
20	-		ense of civil actions and payment of judgments) as the officers of the requesting				
21			duty with the requesting agency, the out-of-state law enforcement officer shall				
22	be subject to the lawful operational commands of the chief of police and the chief's chain of						
23			requesting agency.				
24	<u>(b)</u>		ed in this section, the following definitions apply:				
25		<u>(1)</u>	"Head" means any director or chief officer of a law enforcement agency,				
26			including the chief of police of the requesting agency or an officer of the				
27			requesting agency to whom the head of that agency has delegated authority to				
28		$\langle 0 \rangle$	make or grant requests under this section.				
29		<u>(2)</u>	"Law enforcement agency" means a municipal police department for a				
30			municipality that has a population of more than 500,000. All other State and				
31		(2)	local agencies are exempted from the provisions of this section.				
32		<u>(3)</u>	"Out-of-state law enforcement officer" means a full-time paid employee of a				
33 34			governmental employer who is actively serving in a position with assigned				
34 35			primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the officer's home jurisdiction				
35 36			or serving civil processes, and who possesses the power of arrest by virtue of				
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		an oath administered under the authority of the home jurise	diction, and who is			
		in good standing and has no pending civil, criminal, or d	epartmental action			
		that would disqualify the officer if the officer were certifie	d by this State.			
	<u>(4)</u>	"Out-of-state law enforcement agency" means an emp	oloyer which is a			
		governmental agency outside of this State and which is	assigned primary			
		duties and responsibilities for prevention and detection of c	rime or the general			
		enforcement of the criminal laws of the home jurisdiction	on or serving civil			
		processes, and which has employees who possess the power	r of arrest by virtue			
		of an oath administered under the authority of the home ju	risdiction.			
	<u>(5)</u>	"Temporary intergovernmental law enforcement agreen	ment" means any			
		agreement entered into by the agency head with the	head of another			
		out-of-state law enforcement agency for the use of officer	s or equipment for			
		a designated period of time.				
<u>(c)</u>	<u>This s</u>	ection in no way reduces the jurisdiction or authority of Stat	te law enforcement			
officers.						
<u>(d)</u>		ithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c)				
		cers shall be authorized to hold dual offices when one of the				
		-of-state law enforcement officer and the other appointive of				
		cer for a municipality authorized to enter into temporary inte	rgovernmental law			
enforcement agreements pursuant to this section.						
<u>(e)</u>		ithstanding the provisions of Chapter 17C and Chapter 17				
-		state law enforcement officers certified and sworn in t				
jurisdiction and subject to the provisions of an intergovernmental law enforcement agreement						
		n shall be deemed to have met the certification requirements				
purposes of being sworn as a law enforcement officer with the requesting agency.						
(f) An intergovernmental law enforcement agreement entered into pursuant to this						
	section shall address standards of conduct for the out-of-state law enforcement officers, including					
the requesting agencies' policies regarding the use of force. Additionally, the intergovernmental						
law enforcement agreement shall require all out-of-state law enforcement officers to successfully						
complete training as prescribed by the requesting agency. The intergovernmental law						
enforcement agreement shall also address the compensation of out-of-state law enforcement						
officers and the protocol for processing claims made against or by the out-of-state law						
enforcement officer.						
(g) This section becomes effective January 1, 2020, applies to all intergovernmental law						
enforcem	enforcement agreements entered into on or after that date, and expires October 1, 2020."					
	SEC	<b>TION 2.</b> This act is effective as provided herein.				