

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 774
HOUSE BILL 557

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A COUNTY POLICE
DEPARTMENT IN WILSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Board of County Commissioners of Wilson County is hereby authorized to establish a Wilson County Police Department, to establish policies and regulations to govern the operation of the department, to appropriate funds for its operation and to authorize the county manager to appoint a police chief and such other officers and employees as may be necessary.

Sec. 2. The police chief and the members of the County police department shall have all the powers and authority of peace officers and law enforcement officers provided for under the Constitution, the laws and common law of the State of North Carolina. It shall be the duty of the county policemen, under the general control and direction of the police chief, to patrol and police the county; to detect and prevent the violation of criminal laws of any and every kind; to make arrests upon their own initiative as well as upon information and complaints; to report their acts and all known or suspected violations of the criminal laws to the chief of police of the county; to obtain warrants for arrests for and to prosecute all persons who have violated any of the criminal laws; and they shall at all times obey and carry out the orders and instructions of the police chief when not inconsistent with the law and with this act. The county policemen shall have the power and authority and shall be required to serve all criminal processes and indictments issued and may perform civil duties when directed by the chief.

Sec. 3. Before entering upon the discharge of his duties, each policeman shall take and subscribe the following oaths:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God. (I do so affirm)."

"I, _____, do solemnly swear (or affirm) that during my term of office as county policeman I will study the act creating the office in prescribing my duties and will be alert and vigilant to enforce the criminal laws of the State, and to apprehend and bring to punishment every violator of the same, and will conduct myself at all times with due consideration to all persons, and will not be influenced in any matter on account of personal bias or prejudice: so help me, God. (I do so affirm)."

The oath of office after being taken and subscribed by the policeman shall be filed with the Clerk of Superior Court of Wilson County.

Sec. 4. No county policeman, including the chief of police, shall take part in any political activity or issue, and no county policeman shall be allowed to remain in office after announcing his candidacy for any political office.

Sec. 5. Members of the county police department shall enforce the State liquor laws as contained in G.S. Chapter 18A, and shall have all powers and authority of local A.B.C. officers. The provisions of G.S. 18A-17(14) requiring county A.B.C. Boards to employ A.B.C. officers and make expenditures for law enforcement shall not apply to the Wilson County A.B.C. Board.

Sec. 6. The chief of county police, in addition to his regular duties as a county policeman, shall have full command and authority over the regular county policemen appointed under the authority of this act and shall have the right, authority and duty of giving orders and directions to the county policemen in performance of their duties.

Sec. 7. Nothing in this act shall be construed in any way as limiting or restricting the powers, duties or authority of the Sheriff of Wilson County or any of his deputies.

Sec. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. The Wilson County Police Department may be established only by approval of the voters of the county in a referendum called for such purpose by the board of county commissioners after public hearing and prior to June 30, 1976.

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.