

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1017

Short Title: Detector Dogs Reg./Fee Requirements.

(Public)

Sponsors: Senator Berger.

Referred to: Judiciary I.

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO
3 ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 5 of Chapter 90 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 90-102.1. Registration of certain persons requiring limited use of controlled**
8 **substances for training purposes in certain businesses.**

9 (a) Definition. – For purposes of this section, the term "dog handler" means a
10 person who trains and maintains detector dogs. The term includes a dog trainer and the
11 agent of the dog handler or dog trainer.

12 (b) Registration. – A dog handler who applies to register to use controlled
13 substances included in Schedules I through VI for the purposes of training and
14 maintaining the training of detector dogs shall apply as a researcher under G.S. 90-101.

15 (c) Registration Fee. – Notwithstanding G.S. 90-101, a dog handler shall pay a
16 fee of one hundred sixty dollars (\$160.00), even though he or she registers as a
17 researcher.

18 (d) Certain Conditions Shall Not Be Prerequisites for Registration. – Unless
19 required by federal law, the Department of Health and Human Services shall not require
20 any of the following as a condition of registration:

21 (1) That evidence of federal registration be presented, if the person is
22 applying for a research permit as a dog trainer for controlled
23 substances in Schedules I through VI.

24 (2) That the applicant have a nexus or association with a law enforcement
25 group or authority.

26 (3) That the dog handler report dog alerts or finds of controlled substances
27 to a law enforcement agency; unless the dog handler finds a quantity
28 of controlled substances that equals or is greater than the following:

29 a. 42.5 grams if the controlled substance is marijuana.

1 b. Seven or more grams of any other controlled substance that is
2 sold by weight.

3 c. Ten or more dosage units of any other controlled substance that
4 is not sold by weight.

5 (4) That the applicant provide evidence that law enforcement resources are
6 inadequate to protect the public and private sectors.

7 (5) That the applicant provide evidence of his or her prior experience in
8 canine drug detection or handling of controlled substances.

9 (6) That in-State geographical limitations be imposed regarding where the
10 controlled substances may be used for training and demonstration
11 purposes.

12 (e) Possession of Controlled Substances. – A dog handler registered under this
13 section who provides commercial detection services for controlled substances may, after
14 weighing and recording the controlled substances, possess and remove controlled
15 substances from the premises where they are found for the purpose of turning the
16 controlled substances over to a law enforcement official or law enforcement agency. No
17 dog handler shall be deemed to be in unlawful possession of a controlled substance
18 found as a result of a commercial detector dog search while the dog handler is in the
19 process of lawfully disposing of the controlled substance.

20 (f) Disclosure of Discovery of Controlled Substances. – Unless lawfully
21 subpoenaed, a dog handler registered under this section who provides commercial
22 detection services for controlled substances is not required to disclose to any State or
23 local agency whether a controlled substance was found on the client's premises, unless
24 the quantities found meet the threshold amounts in subdivision (d)(3) of this section. If
25 the quantities of controlled substances found by the dog handler meet or exceed the
26 threshold quantity, the dog handler shall inform law enforcement of the find and provide
27 the information available relating to the discovery of the controlled substances.

28 (g) Client Confidentiality. – Client records of a dog handler registered under this
29 section who provides commercial detection services for controlled substances are
30 confidential unless the records are lawfully subpoenaed or the quantity of a controlled
31 substance found during a search meets or exceeds the threshold set out in subdivision
32 (d)(3) of this section.

33 (h) Policy Statement. – The possession and use of controlled substances by a dog
34 handler for the training and maintenance training of detector dogs shall be considered to
35 be consistent with the public safety, health, and interest of the State of North Carolina."

36 **SECTION 2.** This act is effective when it becomes law.