

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 527

Short Title: Campus Police Act.

(Public)

Sponsors: Senators Clodfelter; and Hartsell.

Referred to: Judiciary I.

March 15, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF
3 HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF
4 THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS
5 POLICE ACT.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. The General Statutes are amended by adding a new Chapter to
8 read:

"Chapter 74G.
"Campus Police Act.

9
10
11 **"§ 74G-1. Title.**

12 This Chapter is the "Campus Police Act" and may be cited by that name.

13 **"§ 74G-2. Policy and scope.**

14 (a) The purpose of this Chapter is to protect the safety and welfare of students,
15 faculty, and staff in institutions of higher education by fostering integrity, proficiency,
16 and competence among campus police agencies and campus police officers. To achieve
17 this purpose, the General Assembly finds that a Campus Police Program needs to be
18 established. As part of the Campus Police Program, the Attorney General is given the
19 authority to certify a private, nonprofit institution of higher education, other than those
20 described by G.S. 116-15(d), as a campus police agency and to commission an
21 individual as a campus police officer.

22 (b) The purpose of this Chapter is also to assure, to the extent consistent with the
23 State and federal constitutions, that this protection is not denied to students, faculty, and
24 staff at private, nonprofit institutions of higher education originally established by or
25 affiliated with religious denominations. To achieve the purpose, the General Assembly
26 finds that:

- 27 (1) Most of the State's private, nonprofit institutions of higher education
28 were originally established by or affiliated with religious
29 denominations;

- 1 (2) These institutions have made and continue to make significant
2 contributions in education to the State and the nation;
3 (3) These institutions admit students regardless of their spiritual or
4 religious beliefs;
5 (4) These institutions' principal mission is educational;
6 (5) All of these institutions are accredited by the Commission on Colleges
7 of the Southern Association of Colleges and Schools and as such have
8 independent governing boards of trustees;
9 (6) The principal State power conferred on campus police by this Chapter
10 is the power of arrest;
11 (7) This power is important to protect the safety and welfare of students,
12 faculty, and staff at these institutions;
13 (8) In exercising the power of arrest, these officers apply standards
14 established by State and federal law only; and
15 (9) The exercise of this power is reviewable by the General Court of
16 Justice and the federal courts.

17 (c) Public educational institutions operating under the authority of the Board of
18 Governors of The University of North Carolina or the State Board of Community
19 Colleges and private educational institutions that are licensed by the Board of
20 Governors of The University of North Carolina pursuant to G.S. 116-15 or that are
21 exempt from licensure by the Board of Governors pursuant to G.S. 116-15(c) may apply
22 to the Attorney General to be certified as a campus police agency. A campus police
23 agency may apply to the Attorney General to commission an individual designated by
24 the agency to act as a campus police officer for the agency.

25 **"§ 74G-3. Liability insurance policy or certificate of self-insurance required;**
26 **suspension of campus police agency certification for failure to comply.**

27 (a) An applicant for certification as a campus police agency must file with the
28 Attorney General either a copy of a liability insurance policy that meets the
29 requirements of this section or a certificate of self-insurance designating assets
30 sufficient to satisfy the coverage requirements of this section if the applicant is a
31 nonpublic entity. The policy or certificate of self-insurance must provide not less than
32 one million dollars (\$1,000,000) of coverage per incident for personal injury or property
33 damage resulting from a negligent act of the applicant or an agent or employee of the
34 applicant operating in the course and scope of employment or under color of law. The
35 form, execution, and terms of a liability insurance policy must meet the requirements of
36 the Attorney General.

37 (b) An insurance carrier that issues a liability insurance policy required by this
38 section may cancel the policy upon giving 30 days' written notice to both the campus
39 police agency and the Attorney General. The written notice must be given by certified
40 mail, return receipt requested. Cancellation of a liability insurance policy does not affect
41 any liability on the policy that accrued prior to the effective cancellation date.

42 (c) A campus police agency that is a nonpublic entity must maintain the liability
43 insurance policy or certificate of self-insurance required by this section in effect at all
44 times. The Attorney General shall suspend the certification of a campus police agency

1 that fails to maintain a liability insurance policy or certificate of self-insurance when
2 required to do so by this section. A certification suspended for this reason may not be
3 reinstated until the person whose certification was suspended files with the Attorney
4 General an application for reinstatement and either the required liability insurance
5 policy or certificate of self-insurance.

6 **"§ 74G-4. Powers of Attorney General.**

7 The Attorney General has the following powers in addition to those conferred
8 elsewhere in this Chapter:

- 9 (1) To establish minimum education, experience, and training standards
10 and establish and require written or oral examinations for an applicant
11 for certification as a campus police agency, a certified campus police
12 agency, an applicant for commission as a campus police officer, or a
13 commissioned campus police officer.
- 14 (2) To require a campus police agency or a campus police officer to
15 submit reports or other information.
- 16 (3) To inspect records maintained by a campus police agency.
- 17 (4) To conduct investigations regarding alleged violations of this Chapter
18 or a rule adopted under this Chapter and to make evaluations as may
19 be necessary to determine if a campus police agency or a campus
20 police officer is complying with this Chapter or a rule adopted under
21 this Chapter.
- 22 (5) To deny, suspend, or revoke a certification as a campus police agency
23 or a commission as a campus police officer for failure to meet the
24 requirements of or comply with this Chapter or a rule adopted under
25 this Chapter, in accordance with Article 3 of Chapter 150B of the
26 General Statutes.
- 27 (6) To appear in the name of the Campus Police Program and apply to the
28 courts having jurisdiction for injunctions to prevent a violation of this
29 Chapter or a rule adopted under this Chapter.
- 30 (7) To delegate the authority to administer this Chapter.
- 31 (8) To require that the Criminal Justice Standards Division provide
32 administrative support staff for the Campus Police Program.
- 33 (9) To adopt rules needed to implement this Chapter, in accordance with
34 Chapter 150B of the General Statutes.

35 **"§ 74G-5. Records.**

36 (a) The Attorney General is the legal custodian of all books, papers, documents,
37 or other records and property of the Campus Police Program.

38 (b) Any papers, documents, or other records that become the property of the
39 Campus Police Program and are placed in a campus police officer's personnel file
40 maintained by the Attorney General are subject to the same restrictions concerning
41 disclosure as set forth in Chapters 126, 153A, and 160A of the General Statutes for
42 other personnel records.

43 (c) Notwithstanding the provisions of subsection (b) of this section, the Attorney
44 General may disclose the contents of any records maintained under the authority of this

1 Chapter to the Criminal Justice Education and Training Standards Commission, the
2 Sheriff's Education and Training Standards Commission, or any other criminal justice
3 agency for certification or employment purposes.

4 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

5 (a) Requirements. – An individual who is commissioned as a campus police
6 officer must take the oath of office required of a law enforcement officer before the
7 individual assumes the duties of a campus police officer. The person in each campus
8 police agency who is responsible for the agency's campus police officers must be
9 commissioned as a campus police officer.

10 (b) Powers and Authority of Officers. – Campus police officers, while in the
11 performance of their duties of employment, have the same powers as municipal and
12 county police officers to make arrests for both felonies and misdemeanors and to charge
13 for infractions on any of the following:

- 14 (1) Real property owned by or in the possession and control of the
15 institution employing the officer.
- 16 (2) Any portion of any public road or highway passing through the real
17 property described in subdivision (1) of this subsection or immediately
18 adjoining it, wherever located.
- 19 (3) Any other real property while in continuous and immediate pursuit of a
20 person for an offense committed upon property described in
21 subdivision (1) or (2) of this subsection.

22 In exercising the powers conferred by this subsection, campus police officers shall
23 apply the standards established by the law of this State and the United States.

24 (c) Powers and Authority of Institutions. – The governing body of any private
25 educational institution that has a campus police agency may:

- 26 (1) Enter into joint agreements with the governing board of any
27 municipality to extend the law enforcement authority of campus police
28 officers into any or all of the municipality's jurisdiction and to
29 determine the circumstances in which this extension of authority may
30 be granted;
- 31 (2) Enter into joint agreements with the governing board of any county
32 and, with the consent of the sheriff, to extend the law enforcement
33 authority of campus police officers into any or all of the county's
34 jurisdiction and to determine the circumstances in which this extension
35 of authority may be granted; and
- 36 (3) Enter into joint agreements with the governing board of any other
37 public or private educational institution that has a campus police
38 agency pursuant to this Chapter or pursuant to G.S. 116-40.5 to extend
39 the law enforcement authority of its campus police officers into any or
40 all of the other institution's jurisdiction and to determine the
41 circumstances as to which its extension of authority may be granted.

42 (d) Concealed Weapons. – Notwithstanding the provisions of G.S. 14-269,
43 campus police officers may carry a concealed weapon in performing their duties to the

1 extent authorized by their campus police agency and approved by the sheriff of the
2 county in which the campus police agency is located.

3 (e) Public Institutions Option. – Notwithstanding any of the provisions of this
4 Chapter, the board of trustees of any constituent institution of The University of North
5 Carolina may elect to have its officers certified under Chapter 17C and Chapter 116 of
6 the General Statutes, and the board of trustees of any community college may elect to
7 have its officers certified under Chapter 17C and Chapter 115D of the General Statutes
8 rather than requesting certification as a campus police agency and campus police
9 commission pursuant to the provisions of this Chapter.

10 (f) Exclusive Authority. – Notwithstanding any other provision of law, the
11 authority granted to campus police officers shall be limited to the provisions of this
12 Chapter.

13 **"§ 74G-7. Badges, uniforms, weapons, and vehicles.**

14 Campus police agencies shall be responsible for ensuring that all employees,
15 whether or not commissioned, comply with the provisions of this Chapter and the rules
16 adopted under this Chapter, including those provisions pertaining to the wearing of
17 badges and uniforms, the carrying of weapons, and the operation of vehicles.

18 **"§ 74G-8. Minimum standards for campus police officers.**

19 Applicants for commission as a campus police officer and a commissioned campus
20 police officer must meet and maintain the same minimum preemployment and
21 in-service standards as are required for State law enforcement officers by the North
22 Carolina Criminal Justice Education and Training Standards Commission and must
23 meet and maintain any other preemployment and in-service requirements set by the
24 Attorney General.

25 **"§ 74G-9. Compensation of campus police officers.**

26 The compensation of a campus police officer shall be paid by the campus police
27 agency for which the officer is commissioned, as may be agreed on between them.

28 **"§ 74G-10. Expiration, renewal, and termination of agency certification or officer**
29 **commission.**

30 (a) Agency. – Unless sooner suspended or revoked by the Attorney General, a
31 campus police agency's certification expires on June 30 of the calendar year following
32 the date it is issued. A campus police agency may renew the certification upon payment
33 of the appropriate fee and compliance with this Chapter and the rules adopted under this
34 Chapter. An entity whose campus police agency's certification was denied or revoked
35 for a violation of this Chapter or a rule adopted under this Chapter is not eligible to
36 apply again for that certification for three years.

37 (b) Officer. – Unless sooner suspended or revoked by the Attorney General, a
38 campus police officer's commission expires on June 30 of the calendar year following
39 the date it is issued. A campus police officer may renew a commission upon payment of
40 the appropriate fee and compliance with this Chapter and the rules adopted under this
41 Chapter. The Attorney General shall immediately revoke the commission of a campus
42 police officer when any of the following occurs:

- 43 (1) Termination of employment with the campus police agency for which
44 the officer is commissioned.

- 1 (2) Termination, suspension, or revocation of the certification of the
 2 campus police agency for which the officer is commissioned.
 3 (3) Failure to meet in-service training requirements as required by this
 4 Chapter or the rules adopted under this Chapter.
 5 (4) Violation of this Chapter or a rule adopted under this Chapter.

6 An individual whose campus police officer's commission was denied or revoked for
 7 a violation of this Chapter or a rule adopted under this Chapter is not eligible to apply
 8 again for a commission for three years.

9 **"§ 74G-11. Immunity.**

10 Neither the Attorney General nor any of the Attorney General's employees may be
 11 held criminally or civilly liable for any acts or omissions in carrying out the provisions
 12 of this Chapter or for the acts or omissions of agencies or officers certified or
 13 commissioned under this Chapter.

14 **"§ 74G-12. Fees.**

15 The Attorney General may charge fees for the items listed in the following table, not
 16 to exceed the amounts listed in the table:

<u>Item</u>	<u>Maximum Fee</u>
<u>Application for certification as</u> <u>a campus police agency</u>	<u>\$ 250.00</u>
<u>Annual renewal of certification</u> <u>as a campus police agency</u>	<u>\$ 200.00</u>
<u>Application for reinstatement of</u> <u>certification as a campus</u> <u>police agency</u>	<u>\$ 1,000</u>
<u>Application for commission as a</u> <u>campus police officer</u>	<u>\$ 100.00</u>
<u>Annual renewal of commission as</u> <u>a campus police officer</u>	<u>\$ 50.00</u>
<u>Application for reinstatement of</u> <u>commission as a campus police</u> <u>officer</u>	<u>\$ 150.00</u>

32 The fees imposed under this section are not refundable. Fees collected under this
 33 section shall be applied to the cost of administering this Chapter.

34 **"§ 74G-13. Penalties and enforcement.**

35 (a) No private person, firm, association, or corporation, and no public institution,
 36 agency, or other entity shall engage in, perform any services as, or in any way hold
 37 itself out as a campus police agency or engage in the recruitment or hiring of campus
 38 police officers without having first complied with the provisions of this Chapter. Any
 39 person, firm, association, or corporation, or their agents and employees violating any of
 40 the provisions of this Chapter shall be guilty of a Class 1 misdemeanor.

41 (b) The Campus Police Program may apply in its own name to the superior court
 42 for an injunction to prevent any violation or threatened violation of this Chapter or a
 43 rule adopted under this Chapter, and the superior courts have jurisdiction to grant the
 44 requested relief, irrespective of whether or not criminal prosecution has been instituted

1 or administrative sanctions imposed because of the violation. The venue for an action
2 brought under this subsection shall be in any county selected by the Attorney General.

3 (c) This section does not relieve a campus police agency from any civil liability
4 for the acts of its campus police officers in exercising or attempting to exercise the
5 powers conferred by this Chapter."

6 **SECTION 2.** G.S. 74E-2(b) reads as rewritten:

7 "(b) A ~~public or private educational institution or~~ hospital, a State institution, or a
8 corporation engaged in providing on-site police security personnel services for persons
9 or property may apply to the Attorney General to be certified as a company police
10 agency. A company police agency may apply to the Attorney General to commission an
11 individual designated by the agency to act as a company police officer for the agency."

12 **SECTION 3.** G.S. 74E-6 reads as rewritten:

13 **"§ 74E-6. Oaths, powers, and authority of company police officers.**

14 (a) Requirements. – An individual who is commissioned as a company police
15 officer must take the oath of office required of a law enforcement officer before the
16 individual assumes the duties of a company police officer. The person in each company
17 police agency who is responsible for the agency's company police officers must be
18 commissioned as a company police officer.

19 (b) Categories. – The following ~~three~~ two distinct classifications of company
20 police officers are established:

21 (1) ~~Campus Police Officers~~ – ~~Those company police officers who are~~
22 ~~employed by any college or university that is a constituent institution~~
23 ~~of The University of North Carolina or any private college or~~
24 ~~university that is licensed or exempted from licensure as prescribed by~~
25 ~~G.S. 116-15.~~

26 (2) Railroad Police Officers – Those company police officers who are
27 employed by a certified rail carrier and commissioned as company
28 police officers under this Chapter.

29 (3) Special Police Officers – All company police officers not designated
30 as a campus police officer or railroad police officer.

31 (c) All Company Police. – Company police officers, while in the performance of
32 their duties of employment, have the same powers as municipal and county police
33 officers to make arrests for both felonies and misdemeanors and to charge for
34 infractions on any of the following:

35 (1) Real property owned by or in the possession and control of their
36 employer.

37 (2) Real property owned by or in the possession and control of a person
38 who has contracted with the employer to provide on-site company
39 police security personnel services for the property.

40 (3) Any other real property while in continuous and immediate pursuit of a
41 person for an offense committed upon property described in
42 subdivisions (1) or (2) of this subsection.

1 Company police officers shall have, if duly authorized by the superior officer in charge,
2 the authority to carry concealed weapons pursuant to and in conformity with
3 G.S. 14-269(b)(5).

4 ~~(d) Campus Police. — Campus police officers have the powers contained in~~
5 ~~subsection (c) of this section and also have the powers in that subsection upon that~~
6 ~~portion of any public road or highway passing through or immediately adjoining the~~
7 ~~property described in that subsection, wherever located. The board of trustees of any~~
8 ~~college or university that qualifies as a campus police agency pursuant to this Chapter~~
9 ~~may enter into a mutual aid agreement with the governing board of a municipality or,~~
10 ~~with the consent of the county sheriff, a county to the same extent as a municipal police~~
11 ~~department pursuant to Chapter 160A.~~

12 (e) Railroad Police. — Railroad police officers have the powers contained in
13 subsection (c) and also have the powers and authority granted by federal law or by a
14 regulation promulgated by the United States Secretary of Transportation.
15 Notwithstanding any of the provisions of this Chapter, the limitations on the power to
16 make arrests contained in subsection (c) above, shall not be applicable to railroad police
17 officers commissioned by the Attorney General pursuant to the authority of this
18 Chapter.

19 ~~(f) Campus Option. — Notwithstanding any of the provisions of this Chapter, the~~
20 ~~Board of Trustees of any constituent institution of The University of North Carolina~~
21 ~~may elect to have its officers certified under Chapter 17C and Chapter 116 of the~~
22 ~~General Statutes and the board of trustees of any community college may elect to have~~
23 ~~its officers certified under Chapter 17C and Chapter 115D of the General Statutes rather~~
24 ~~than requesting certification as a company police agency and company police~~
25 ~~commission pursuant to the provisions of this Chapter.~~

26 (g) Exclusive Authority. — Notwithstanding any other provision of law, the
27 authority granted to company police officers shall be limited to the provisions of this
28 Chapter."

29 **SECTION 4.** G.S. 14-415.10(4) reads as rewritten:

30 "(4) Qualified former sworn law enforcement officer. — An individual who
31 retired from service as a law enforcement officer with a local, State,
32 campus police, or company police agency in North Carolina, other
33 than for reasons of mental disability, who has been retired as a sworn
34 law enforcement officer two years or less from the date of the permit
35 application, and who satisfies all of the following:

- 36 a. Immediately before retirement, the individual was a qualified
37 law enforcement officer with a local, State, or company police
38 agency in North Carolina.
- 39 b. The individual has a nonforfeitable right to benefits under the
40 retirement plan of the local, State, or company police agency as
41 a law enforcement officer or has 20 or more aggregate years of
42 law enforcement service and has retired from a company police
43 agency that does not have a retirement plan.

- 1 c. The individual is not prohibited by State or federal law from
2 receiving a firearm."

3 **SECTION 5.** G.S. 14-415.10(5) reads as rewritten:

4 "(5) Qualified sworn law enforcement officer. – A law enforcement officer
5 employed by a local, State, campus police, or company police agency
6 in North Carolina who satisfies all of the following:

- 7 a. The individual is authorized by the agency to carry a handgun
8 in the course of duty.
9 b. The individual is not the subject of a disciplinary action by the
10 agency that prevents the carrying of a handgun.
11 c. The individual meets the requirements established by the
12 agency regarding handguns."

13 **SECTION 6.** When this act becomes law, all certificates issued to police
14 agencies at private institutions of higher education and commissions issued to their
15 police officers pursuant to Chapter 74E of the General Statutes shall automatically
16 convert to certification and commissions issued pursuant to this act and shall be
17 administered in conformity with this act. Notwithstanding any of the provisions of
18 Chapter 74G of the General Statutes, as enacted by this act, or the provisions of Chapter
19 74E of the General Statutes, the board of trustees of any private educational institution
20 that, on the effective date of this act, has a company police agency licensed pursuant to
21 Chapter 74E of the General Statutes, may elect to continue to have its officers certified
22 under Chapter 74E of the General Statutes rather than pursuant to Chapter 74G of the
23 General Statutes, as enacted by this act, by making a written request to the Attorney
24 General no later than July 1, 2005.

25 **SECTION 7.** This act is effective when it becomes law.