

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE DRS95054-MA-217 (03/16)

Short Title: Out-of-State Law Enforcement/Special Events.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE  
3 HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO  
4 CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO  
5 PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL  
6 CONVENTION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 13 of Chapter 160A of the General Statutes is amended by  
9 adding a new section to read:

10 "**§ 160A-288.3. Assistance by out-of-state law enforcement officers; rules.**

11 (a) In accordance with rules, policies, or guidelines officially adopted by the governing  
12 body of the city by which the officer is employed, and subject to any conditions or restrictions  
13 included therein, the head of any law enforcement agency of a municipality with a population  
14 that exceeds 500,000 may request and enter into temporary intergovernmental law enforcement  
15 agreements with out-of-state law enforcement agencies or officers to aid in enforcing the laws  
16 of North Carolina within the jurisdiction of the requesting municipality if so requested in  
17 writing by the head of the requesting agency. The assistance may comprise allowing officers of  
18 the out-of-state agencies to work temporarily with officers of the requesting agency (including  
19 in an undercover capacity) and lending equipment and supplies. While working with the  
20 requesting agency under the authority of this section, an officer shall have the same  
21 jurisdiction, powers, rights, privileges, and immunities (including those relating to the defense  
22 of civil actions and payment of judgments) as the officers of the requesting agency. While on  
23 duty with the requesting agency, the officer shall be subject to the lawful operational  
24 commands of the chief of police and the chief's chain of command for the requesting agency.

25 (b) As used in this section, the following definitions apply:

26 (1) "Head" means any director or chief officer of a law enforcement agency,  
27 including the chief of police of the requesting agency or an officer of the  
28 requesting agency to whom the head of that agency has delegated authority  
29 to make or grant requests under this section.

30 (2) "Law enforcement agency" means a municipal police department for a  
31 municipality that has a population of more than 500,000. All other State and  
32 local agencies are exempted from the provisions of this section.

33 (3) "Out-of-state law enforcement officer" means a full-time paid employee of a  
34 governmental employer who is actively serving in a position with assigned  
35 primary duties and responsibilities for prevention and detection of crime or



1 the general enforcement of the criminal laws of the State or serving civil  
2 processes, and who possesses the power of arrest by virtue of an oath  
3 administered under the authority of the home state, who is in good standing  
4 and has no pending civil, criminal, or departmental action that would  
5 disqualify the officer if the officer were certified by this State.

6 (4) "Out-of-state law enforcement agency" means an employer which is a  
7 governmental agency outside of this State and which is assigned primary  
8 duties and responsibilities for prevention and detection of crime or the  
9 general enforcement of the criminal laws of the State or serving civil  
10 processes, and which has employees who possess the power of arrest by  
11 virtue of an oath administered under the authority of the home state.

12 (5) "Temporary intergovernmental law enforcement agreement" means any  
13 agreement entered into by the agency head with the head of another  
14 out-of-state law enforcement agency for the use of officers or equipment for  
15 a designated period of time.

16 (c) This section in no way reduces the jurisdiction or authority of State law enforcement  
17 officers.

18 (d) Notwithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c1), out-of-state law  
19 enforcement officers shall be authorized to hold dual offices when the one of the appointive  
20 offices held is that of out-of-state law enforcement officer and the other appointive office is that  
21 of a law enforcement officer for a municipality authorized to enter into temporary  
22 intergovernmental law enforcement agreements pursuant to this section.

23 (e) An intergovernmental law enforcement agreement entered into pursuant to this  
24 section shall address standards of conduct for the out-of-state officers, including the requesting  
25 agencies' policies regarding the use of force. Additionally, the intergovernmental law  
26 enforcement agreement shall require all out-of-state law enforcement officers to successfully  
27 complete training as prescribed by the requesting agency. The intergovernmental law  
28 enforcement agreement shall also address the compensation of out-of-state law enforcement  
29 officers and the protocol for processing claims made against or by the out-of-state law  
30 enforcement officer.

31 (f) This section shall expire on October 1, 2012."

32 **SECTION 2.** This act becomes effective January 1, 2012, and applies to all  
33 intergovernmental law enforcement agreements entered into on or after that date.