

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 610
HOUSE BILL 786

AN ACT TO AUTHORIZE THE SHERIFF OF PERSON COUNTY TO APPOINT
SPECIAL POLICE OFFICERS UPON APPLICATION OF THOSE OPERATING
BUSINESS PLACES OR OTHER LAWFUL ENTERPRISES.

The General Assembly of North Carolina do enact:

Section 1. Any person, firm, corporation, organization, or association who owns or operates any place of business or other lawful enterprise in Person County who desires police protection on his premises in addition to that afforded by the law enforcement officers of said county, or who desires and is willing to pay for the services of a special or full-time officer on his premises for any specified period or periods of time for the purpose of maintaining such premises in a lawful manner and apprehending and arresting any violators of the criminal laws of this State on such premises, may apply to the Sheriff of Person County and request that the sheriff deputize, authorize, and empower some private citizen of good character and reputation, or some off-duty law enforcement officer of the county or any municipality in the county, who has been selected by the applicant and who has agreed to serve as such special officer, to police and maintain such premises in an orderly manner and apprehend and arrest any persons found violating the criminal laws of this State on such premises. Upon receipt of such request, the Sheriff of Person County is hereby authorized, in his discretion, upon proof satisfactory to himself that such request is reasonable and that the person so selected by the applicant is of good character and reputation and is willing to serve as such special officer, to deputize, authorize, and empower the person so selected to serve as a special officer for the purposes of policing and maintaining the premises of the applicant in an orderly and lawful manner and arresting any persons found thereon violating the criminal laws of this State. Provided, however, the Sheriff of Person County may refuse either with or without cause to deputize or appoint any person selected by the applicant as a special officer, and may at any time, with or without cause, revoke, reject, cancel, and terminate any such appointment of such special officer previously made. Any such officer so appointed or deputized by the sheriff shall for all intents and purposes be regarded as the agent, employee and servant of the applicant requesting and paying for his services, and shall not for any purpose be regarded as an agent, employee or officer of the Sheriff of Person County, or of the county itself, and shall incur no liability or responsibility upon the sheriff or the county.

Sec. 2. Any person who is appointed as a special officer under the provisions of this Act shall, prior to entering into or performing any duties or services as such

special officer, file with the Board of Commissioners of Person County a surety bond executed by a surety company authorized to do business in this State in a sum of not less than ten thousand dollars (\$10,000.00), conditioned upon the satisfactory and honest conduct of his duties and services. The bond shall be taken in the name of the people of the State of North Carolina and every person injured by the wilful, malicious or wrongful act of the principal thereof may bring an action on the bond in his or her name to recover damages suffered by reason of such wilful, malicious or wrongful act. The bond shall be approved by the board of county commissioners as to form, execution and sufficiency of the sureties thereon. Failure to maintain the bond required by this Section shall work an automatic and immediate revocation, rejection, cancellation and termination of the appointment of any special officer appointed pursuant to the provisions of this Act. The bond of such special officer as required by this Section shall be solely liable for any damages occasioned by the wilful, malicious or wrongful acts of such special officer; and any bond or bonds executed by the Sheriff of Person County or other county officials, and the sheriff or other county officials individually, shall not be liable for any damages occasioned by the wilful, malicious or wrongful acts of such officer.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1961.