

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 484
HOUSE BILL 194

AN ACT TO AMEND THE POWER TO CONFER LAW ENFORCEMENT POWERS
ON SPECIAL CONSERVATION OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-138 is rewritten to read as follows:

"§ 113-138. Enforcement jurisdiction of special conservation officers. – (a) The Wildlife Resources Commission by regulation may confer law enforcement powers over matters within its jurisdiction with respect to wildlife resources conservation laws and regulations within its jurisdiction upon the employees of the United States Fish and Wildlife Service, and the Marine Fisheries Commission may confer law enforcement powers over matters within its jurisdiction with respect to marine and estuarine resources conservation laws and regulations upon the employees of the National Marine Fisheries Service, who:

- (1) possess special law enforcement jurisdiction that would not otherwise extend to the subject matter of this Subchapter;
- (2) are assigned during the duration of such appointment to duty stations within North Carolina; and
- (3) take the oath required of public officers before an officer authorized to administer oaths.

These conferred powers do not constitute an appointment of any officer to an additional office.

(b) The Marine Fisheries Commission and Wildlife Resources Commission shall limit the exercise of this authority to situations when:

- (1) the best interests of the conservation of marine and estuarine and wildlife resources managed by the respective State and federal agencies are being adversely affected by restrictions upon jurisdictional subject matter that limit law enforcement authority; and
- (2) the best interest of the conservation of marine and estuarine and wildlife resources managed by the adopting Commission will benefit by conferring law enforcement authority on the employees of the United States Fish and Wildlife Service or the National Marine Fisheries Service.

(c) The enabling regulation shall specify the particular officers or class of officers upon whom the law enforcement powers are conferred and the geographic areas within which the special enforcement officers can exercise the law enforcement powers

over matters within the jurisdiction of the adopting Commission. The conferred powers may be used only during the scope of employment of the special conservation officers.

(d) Unless otherwise provided by the enabling regulation, such special enforcement officers shall have the same jurisdiction and powers with respect to resource conservation and the same rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the State officers in addition to those the federal officer normally possesses."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1983.