

Chapter 17F.
Law Enforcement.

§ 17F-1. Reserved for future codification purposes.

§ 17F-2. Reserved for future codification purposes.

§ 17F-3. Reserved for future codification purposes.

§ 17F-4. Reserved for future codification purposes.

§ 17F-5. Defense of Highway Patrol members and other State law-enforcement officers in civil actions; payment of judgments.

(a) If a member of the Highway Patrol or any other State law-enforcement officer is sued in a civil action as an individual for acts occurring while the member or officer was alleged to be acting within the course and scope of his or her office, employment, service, agency, or authority, and the acts were alleged to be a proximate cause of the injury or damage, the Attorney General may defend the employee through the use of a member of his or her staff or, in the Attorney General's discretion, employ private counsel, subject to Article 31A of Chapter 143 of the General Statutes and G.S. 147-17(a) through (c) and (d). Any judgment rendered as a result of the civil action against the employee for acts alleged to be committed within the course and scope of his or her office, employment, service, agency, or authority shall be paid as an expense of administration up to the limit provided in the Tort Claims Act.

(b) The coverage afforded under this Article is excess coverage over any commercial liability insurance up to the limit of the Tort Claims Act. (1929, c. 218, s. 9; 1941, c. 36; 1957, c. 65, s. 11; 1973, c. 507, s. 5; c. 1323; 1975, c. 210; 1977, c. 70, s. 12; 2011-145, s. 28.27(d); 2017-57, s. 6.7(d); recodified from N.C. Gen. Stat. 20-194 by 2023-46, s. 6.)

§ 17F-10. Development of law enforcement early warning system.

(a) Every agency in the State that employs personnel certified by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission shall develop and implement an early warning system to document and track the actions and behaviors of law enforcement officers for the purpose of intervening and improving performance. The early warning system required by this section shall include information, at a minimum, regarding the following:

- (1) Instances of the discharge of a firearm.
- (2) Instances of use of force.
- (3) Vehicle collisions.
- (4) Citizen complaints.

(b) Information collected under this section that is confidential under State or federal law shall remain confidential.

(c) For purposes of this section, "law enforcement officer" means any sworn law enforcement officers with the power of arrest, both State and local. (2021-138, s. 8(a).)

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§ 17F-17. Reserved for future codification purposes.

§ 17F-18. Reserved for future codification purposes.

§ 17F-19. Reserved for future codification purposes.

§ 17F-20. Badges and service side arms of deceased or retiring members of State, city, and county law enforcement agencies; weapons of active members.

(a) Surviving spouses or, if unsurvived by a spouse, surviving children of members of North Carolina State, city, and county law enforcement agencies who are killed in the line of duty or are members of these agencies at the time of their deaths and retiring members of these agencies shall receive, upon request and at no cost to them, the badge worn or carried by the deceased or retiring member. Upon determining that a person requesting a service side arm is not ineligible to own, possess, or receive a firearm under State or federal law or that the service side arm has been rendered incapable of being fired, the governing body of a law enforcement agency may, in its discretion, also award to a surviving spouse or child or to a retiring member, upon request, the service side arm of the deceased or retiring member at a price determined by the governing body. As used in this subsection, "governing body" means the following:

- (1) For county and local alcohol beverage control officers, the county or local board of alcoholic beverage control.
- (2) For all other law enforcement officers with jurisdiction limited to a municipality or town, the city or town council.
- (3) For all other law enforcement officers with countywide jurisdiction, the board of county commissioners.
- (4) For all State law enforcement officers, the head of the department.

(b) Active members of North Carolina State, city, and county law enforcement agencies, upon change of type of weapons, may purchase the weapon they wore or carried prior to the change at a price equal to the average yield to the State, city, or county from the sale of similar weapons during the preceding year.

(c) For purposes of this section, certified probation and parole officers are considered members of a North Carolina State law enforcement agency. (1971, c. 669; 1973, c. 1424; 1975, c. 44; 1977, c. 548; 1979, c. 882; 1987, c. 122; 2013-369, s. 19; 2016-77, s. 9(b); 2021-116, s. 1.3; recodified from N.C. Gen. Stat. 20-187.2 by 2023-46, s. 4.)

§ 17F-21. Disposition of retired service animals.

(a) Upon determination that any service animal is no longer fit or needed for public service, the State or unit of local government may transfer ownership of the animal at a price determined by

the State or unit of local government and upon any other terms and conditions as the State or unit of local government deems appropriate, to any of the following individuals, if that individual agrees to accept ownership, care, and custody of the service animal:

- (1) The officer or employee who had normal custody and control of the service animal during the service animal's public service to the State or unit of local government.
 - (2) A surviving spouse or, if unsurvived by a spouse, surviving children of the officer or employee killed in the line of duty who had normal custody and control of the service animal during the service animal's public service to the State or unit of local government.
 - (3) An organization or program dedicated to the assistance or support of service animals retired from public service.
- (b) For purposes of this section, the following definitions apply:
- (1) Service animal. – Any horse, dog, or other animal owned by the State or a unit of local government that performs law enforcement, public safety, or emergency service functions.
 - (2) Unit of local government. – As defined in G.S. 159-7(b). (2016-101, s. 1; recodified from N.C. Gen. Stat. 20-187.4 by 2023-46, s. 5.)