

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH30311-LLf-132A (4/4)

Short Title: Campus Police Equity. (Public)

Sponsors: Representatives Allred and Eddins (By Request).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE CAMPUS POLICE EQUITY ACT.
3 The General Assembly of North Carolina enacts:

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

6 **Chapter 74G.**
7 **Campus Police Equity Act.**

8 **§ 74G-1. Title.**

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

10 **§ 74G-2. Policy and scope.**

11 (a) The purpose of this Chapter is to ensure a minimum level of integrity,
12 proficiency, and competence among campus police agencies and campus police officers.
13 To achieve this purpose, the General Assembly finds that a Campus Police Program
14 needs to be established. As part of the Campus Police Program, the Attorney General is
15 given the authority to certify an agency as a campus police agency and to commission
16 an individual as a campus police officer.

17 (b) A public or private educational institution engaged in providing on-site police
18 security personnel services for persons or property may apply to the Attorney General to
19 be certified as a campus police agency. A campus police agency may apply to the
20 Attorney General to commission an individual designated by the agency to act as a
21 campus police officer for the agency.

22 **§ 74G-3. Liability insurance policy or certificate of self-insurance required;**
23 **suspension of campus police agency certification for failure to comply.**

24 (a) An applicant for certification as a campus police agency must file with the
25 Attorney General either a copy of a liability insurance policy that meets the
26 requirements of this section or a certificate of self-insurance designating assets
27 sufficient to satisfy the coverage requirements of this section if the applicant is a

1 nonpublic entity. The policy or certificate of self-insurance must provide not less than
2 one million dollars (\$1,000,000) of coverage per incident for personal injury or property
3 damage resulting from a negligent act of the applicant or an agent or employee of the
4 applicant operating in the course and scope of employment or under color of law. The
5 form, execution, and terms of a liability insurance policy must meet the requirements of
6 the Attorney General.

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

12 (c) A campus police agency that is a nonpublic entity must maintain the liability
13 insurance policy or certificate of self-insurance required by this section in effect at all
14 times. The Attorney General shall suspend the certification of a campus police agency
15 that fails to maintain a liability insurance policy or certificate of self-insurance when
16 required to do so by this section. A certification suspended for this reason may not be
17 reinstated until the person whose certification was suspended files with the Attorney
18 General an application for reinstatement and either the required liability insurance
19 policy or certificate of self-insurance.

20 **"§ 74G-4. Powers of Attorney General.**

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

- 23 (1) To establish minimum education, experience, and training standards
24 and establish and require written or oral examinations for an applicant
25 for certification as a campus police agency, a certified campus police
26 agency, an applicant for commission as a campus police officer, or a
27 commissioned campus police officer.
- 28 (2) To require a campus police agency or a campus police officer to
29 submit reports or other information.
- 30 (3) To inspect records maintained by a campus police agency.
- 31 (4) To conduct investigations regarding alleged violations of this Chapter
32 or a rule adopted under this Chapter and to make evaluations as may
33 be necessary to determine if a campus police agency or a campus
34 police officer is complying with this Chapter or a rule adopted under
35 this Chapter.
- 36 (5) To deny, suspend, or revoke a certification as a campus police agency
37 or a commission as a campus police officer for failure to meet the
38 requirements of or comply with this Chapter or a rule adopted under
39 this Chapter, in accordance with Article 3 of Chapter 150B of the
40 General Statutes.
- 41 (6) To appear in the name of the Campus Police Program and apply to the
42 courts having jurisdiction for injunctions to prevent a violation of this
43 Chapter or a rule adopted under this Chapter.
- 44 (7) To delegate the authority to administer this Chapter.

1 (8) To require that the Criminal Justice Standards Division provide
2 administrative support staff for the Campus Police Program.

3 (9) To adopt rules needed to implement this Chapter, in accordance with
4 Chapter 150B of the General Statutes.

5 **"§ 74G-5. Records.**

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

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

13 (c) Notwithstanding the provisions of subsection (b) of this section, the Attorney
14 General may disclose the contents of any records maintained under the authority of this
15 Chapter to the Criminal Justice Education and Training Standards Commission, the
16 Sheriff's Education and Training Standards Commission, or any other criminal justice
17 agency for certification or employment purposes.

18 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

19 (a) Requirements. – An individual who is commissioned as a campus police
20 officer must take the oath of office required of a law enforcement officer before the
21 individual assumes the duties of a campus police officer. The person in each campus
22 police agency who is responsible for the agency's campus police officers must be
23 commissioned as a campus police officer.

24 (b) Powers. – Campus police officers, while in the performance of their duties of
25 employment, have the same powers as municipal and county police officers to make
26 arrests for both felonies and misdemeanors and to charge for infractions on any of the
27 following:

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

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

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

36 Campus police officers shall have, if duly authorized by the superior officer in charge,
37 the authority to carry concealed weapons pursuant to and in conformity with G.S.
38 14-269(b)(5).

39 (c) Jurisdiction. – Campus police officers have the same jurisdiction extended to
40 municipal police departments pursuant to Chapter 160A of the General Statutes,
41 including an extraterritorial jurisdiction of one mile. The Board of Trustees of any
42 college or university that qualifies as a campus police agency pursuant to this Chapter
43 may enter into a mutual aid agreement with the governing board of a municipality or,

1 with the consent of the county sheriff, a county, to the same extent as a municipal police
2 department pursuant to Chapter 160A.

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

10 (e) **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 following the date it is issued. A
32 campus police agency may renew the certification upon payment of the appropriate fee
33 and compliance with this Chapter and the rules adopted under this Chapter. An entity
34 whose campus police agency's certification was denied or revoked for a violation of this
35 Chapter or a rule adopted under this Chapter is not eligible to apply again for that
36 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 following the date it is issued. A
39 campus police officer may renew a commission upon payment of the appropriate fee
40 and compliance with this Chapter and the rules adopted under this Chapter. The
41 Attorney General shall immediately revoke the commission of a campus police officer
42 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>
17 <u>Application for certification as</u>	<u>\$250.00</u>
18 <u>a campus police agency</u>	
19 <u>Annual renewal of certification</u>	<u>\$200.00</u>
20 <u>as a campus police agency</u>	
21 <u>Application for reinstatement of</u>	<u>\$1,000</u>
22 <u>certification as a campus</u>	
23 <u>police agency</u>	
24 <u>Application for commission as a</u>	<u>\$100.00</u>
25 <u>campus police officer</u>	
26 <u>Annual renewal of commission as</u>	<u>\$50.00</u>
27 <u>a campus police officer</u>	
28 <u>Application for reinstatement of</u>	<u>\$150.00</u>
29 <u>commission as a campus police</u>	
30 <u>officer</u>	

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

33 "**§ 74G-13. Penalties and enforcement.**

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

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

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.** This act is effective when it becomes law.