

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1341

Short Title: DMV Officers Supplemental Jurisdiction.

(Public)

Sponsors: Senator Rand.

Referred to: Judiciary I.

May 26, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE OFFICERS OF THE DIVISION OF MOTOR VEHICLES
3 TO ENFORCE CERTAIN CRIMINAL LAWS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 20 of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 20-49.1. Supplemental police authority of Division officers.**

8 (a) In addition to the law enforcement authority granted in G.S. 20-49 or
9 elsewhere, the Commissioner and the officers and inspectors of the Division whom the
10 Commissioner designates have the authority to enforce criminal laws under any of the
11 following circumstances:

12 (1) When they have probable cause to believe that a person has committed
13 a criminal act in their presence and at the time of the violation they are
14 engaged in the enforcement of laws otherwise within their jurisdiction.

15 (2) When they are asked to provide temporary assistance by the head of a
16 State or local law enforcement agency or his designee and the request
17 is within the scope of the agency's subject matter jurisdiction.

18 While acting pursuant to this subsection, the Division officers shall have the same
19 powers vested in law enforcement officers by statute or common law. When acting
20 pursuant to subdivision (2), the Division officers shall not be considered an officer,
21 employee, or agent of the State or local law enforcement agency or designee asking for
22 temporary assistance. Nothing in this section shall be construed to expand the Division
23 officers' authority to initiate or conduct an independent investigation into violations of
24 criminal laws outside the scope of their subject matter or territorial jurisdiction.

25 (b) In addition to the law enforcement authority granted in G.S. 20-49 or
26 elsewhere, the Commissioner and the officers and inspectors of the Division whom the
27 Commissioner designates have the authority to investigate drivers license fraud and
28 identity thefts related to drivers license fraud and to make arrests for these offenses."

29 SECTION 2. This act is effective when it becomes law.