

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 388

Short Title: Modernize Mutual Assistance Statutes.

(Public)

Sponsors: Representatives McNeill, Faircloth, and Meyer (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government II

March 20, 2017

1 **A BILL TO BE ENTITLED**

2 AN ACT TO CREATE A PRESUMPTION THAT ALLOWS ONE LAW ENFORCEMENT
3 AGENCY TO EASILY ASSIST ANOTHER LAW ENFORCEMENT AGENCY
4 WHENEVER NECESSARY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-288(a) reads as rewritten:

7 **"§ 160A-288. Cooperation between law-enforcement agencies.**

8 (a) ~~In accordance with rules, policies, or guidelines Unless specifically prohibited or~~
9 ~~limited by an ordinance officially adopted by the governing body of the city or county by which~~
10 ~~he the person is employed, and subject to any conditions or restrictions included~~
11 ~~therein, appointed, or elected to serve,~~ the head of any law-enforcement agency may temporarily
12 provide assistance to another agency in enforcing the laws of North Carolina if so requested in
13 writing by the head of the requesting agency. The assistance may comprise allowing officers of
14 the agency to work temporarily with officers of the requesting agency (including in an
15 undercover capacity) and lending equipment and supplies. While working with the requesting
16 agency under the authority of this section, an officer shall have the same jurisdiction, powers,
17 rights, privileges and immunities (including those relating to the defense of civil actions and
18 payment of judgments) as the officers of the requesting agency in addition to those ~~he the~~
19 ~~officer~~ normally possesses. While on duty with the requesting agency, ~~he the~~ officer shall be
20 subject to the lawful operational commands of ~~his~~ the officer's superior officers in the
21 requesting agency, but ~~he the~~ officer shall for personnel and administrative purposes, remain
22 under the control of ~~his~~ the officer's own agency, including for purposes of pay. ~~He~~ The officer
23 shall furthermore be entitled to workers' compensation and the same benefits when acting
24 pursuant to this section to the same extent as though ~~he the~~ officer were functioning within the
25 normal scope of ~~his~~ the officer's duties."

26 **SECTION 2.** G.S. 16A-288.2(a) reads as rewritten:

27 **"§ 160A-288.2. Assistance to State law-enforcement agencies.**

28 (a) ~~In accordance with rules, policies, or guidelines Unless specifically limited or~~
29 ~~prohibited by an ordinance officially adopted by the governing body of the city or county by~~
30 ~~which he the person is employed, and subject to any conditions or restrictions included~~
31 ~~therein, appointed, or elected to serve,~~ the head of any local law-enforcement agency may
32 temporarily provide assistance to a State law-enforcement agency in enforcing the laws of
33 North Carolina if so requested in writing by the head of the State agency. The assistance may
34 comprise allowing officers of the local agency to work temporarily with officers of the State
35 agency (including in an undercover capacity) and lending equipment and supplies. While



1 working with the State agency under the authority of this section, an officer shall have the same
2 jurisdiction, powers, rights, privileges and immunities (including those relating to the defense
3 of civil actions and the payment of judgments) as the officers of the State agency in addition to
4 those ~~he~~the officer normally possesses. While on duty with the State agency, ~~he~~the officer shall
5 be subject to the lawful operational commands of ~~his~~the officer's superior officers in the State
6 agency, but ~~he~~the officer shall for personnel and administrative purposes, remain under the
7 control of the local agency, including for purposes of pay. ~~He~~The officer shall furthermore be
8 entitled to workers' compensation and the same benefits when acting pursuant to this section to
9 the same extent as though ~~he~~the officer were functioning within the normal scope of ~~his~~the
10 officer's duties."

11 **SECTION 3.** This act is effective when it becomes law.