

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 948

Short Title: Multiple Commissions/Campus Police.

(Public)

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Sponsors: Senator Gulley.

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Referred to: Judiciary.

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April 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE MULTIPLE COMMISSIONING OF CAMPUS  
2 POLICE OFFICERS AND TO PROVIDE THAT THE PENALTIES FOR  
3 ASSAULT UPON LAW ENFORCEMENT OFFICERS APPLY TO ASSAULTS  
4 UPON CAMPUS POLICE OFFICERS.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 74E-6 is amended by adding a new subsection to read:

8 "(d1) Multiple Commissioning of Campus Police Officers. – A campus police  
9 agency certified under this Chapter may enter into an extended jurisdiction contract with  
10 any municipal or county law enforcement agency that has jurisdiction in all or part of any  
11 county in which the campus agency has property under its jurisdiction. A campus police  
12 officer commissioned under this Chapter and employed by a campus police agency that is  
13 party to such an agreement may concurrently exercise the authority granted to the officer  
14 by this Chapter and the authority that accrues from being simultaneously commissioned  
15 as a law enforcement officer of the municipality or county. A campus police officer so  
16 commissioned:

17 (1) Shall in all respects meet the requirements of the applicable criminal  
18 justice standards commission in addition to those standards and  
19 procedures prescribed by the municipal or county law enforcement  
20 agency holding that commission;

1           (2) May exercise all of the authority granted by that commission when on  
2 duty as a campus police officer and present within the territorial  
3 jurisdiction of a municipal or county agency in which the officer  
4 possesses a commission as a law enforcement officer;

5           (3) May exercise the authority specified in subdivision (2) of this  
6 subsection while wearing or possessing the badge of the officer's  
7 employing campus police agency, operating a vehicle of that agency, or  
8 otherwise performing the officer's duties as a campus police officer, but  
9 while temporarily outside the officer's regular territorial jurisdiction;  
10 and

11           (4) Is exempt from the prohibition against carrying concealed weapons  
12 while on or off duty as a campus police officer so long as the officer  
13 would otherwise be granted that privilege as a result of being a  
14 commissioned officer of a municipal or county law enforcement agency,  
15 and may possess a weapon on the officer's person at any time.

16       Nothing in this section prohibits a campus police officer from obtaining and  
17 maintaining a commission as a law enforcement officer with a municipal or county  
18 agency independent of the provisions of this subsection."

19       Section 2. G.S. 14-34.5 reads as rewritten:

20 **"§ 14-34.5. Assault with a firearm on a law enforcement officer.**

21       Any person who commits an assault with a firearm upon a law enforcement officer  
22 while the law enforcement officer is in the performance of his or her duties is guilty of a  
23 Class E felony. For purposes of this section, the term 'law enforcement officer' includes a  
24 campus police officer certified under Chapter 74E of the General Statutes."

25       Section 3. G.S. 14-34.7 reads as rewritten:

26 **"§ 14-34.7. Assault on a law enforcement officer.**

27       Unless covered under some other provision of law providing greater punishment, a  
28 person is guilty of a Class F felony if the person assaults a law enforcement officer while  
29 the law enforcement officer is discharging or attempting to discharge his or her official  
30 duties and inflicts serious bodily injury on the law enforcement officer. For purposes of  
31 this section, the term 'law enforcement officer' includes a campus police officer certified  
32 under Chapter 74E of the General Statutes."

33       Section 4. G.S. 14-33(c) reads as rewritten:

34       "(c) Unless the conduct is covered under some other provision of law providing  
35 greater punishment, any person who commits any assault, assault and battery, or affray is  
36 guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or  
37 affray, he or she:

38           (1) Inflicts serious injury upon another person or uses a deadly weapon;

39           (2) Assaults a female, he being a male person at least 18 years of age;

40           (3) Assaults a child under the age of 12 years;

41           (4) Assaults an officer or employee of the State or any political subdivision  
42 of the State, when the officer or employee is discharging or attempting  
43 to discharge his official duties; or

- 1           (5)    Assaults a school bus driver, school bus monitor, or school employee  
2           who is boarding the school bus or who is on the school ~~bus~~-bus; or  
3           (6)    Assaults a campus police officer certified under Chapter 74E of the  
4           General Statutes, when the officer is discharging or attempting to  
5           discharge the officer's official duties."

6           Section 5. Sections 2, 3, and 4 of this act become effective December 1, 1997.  
7    The remainder of this act is effective when it becomes law.