

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 1262**

Short Title: Parks and Rec Mutual Aid Agreement Authority. (Public)

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Sponsors: Senators Albertson; Clodfelter and Odom.

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Referred to: Judiciary I.

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June 6, 2002

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND  
2 NATURAL RESOURCES TO ENTER INTO MUTUAL AID AGREEMENTS  
3 WITH LAW ENFORCEMENT AGENCIES ON BEHALF OF ITS SPECIAL  
4 PEACE OFFICERS WHO HAVE BEEN DESIGNATED FOR THE PURPOSE OF  
5 ENFORCING THE LAW GOVERNING THE STATE PARKS SYSTEM, AS  
6 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 160A-288 reads as rewritten:

10 "**§ 160A-288. Cooperation between law-enforcement agencies.**

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

28 (b) As used in this section:

1 (1) "Head" means any director or chief officer of a law-enforcement  
2 agency including the chief of police of a local department, chief of  
3 police of county police department, and the sheriff of a county, or an  
4 officer of one of the above named agencies to whom the head of that  
5 agency has delegated authority to make or grant requests under this  
6 section, but only one officer in the agency shall have this delegated  
7 authority at any time.

8 (2) "Law-enforcement agency" means only a municipal police department,  
9 a county police department, or a sheriff's department. All other State  
10 and local agencies are exempted from the provisions of this section.

11 (c) This section in no way reduces the jurisdiction or authority of State  
12 law-enforcement officers.

13 (d) For purposes of this section, the following shall be considered the equivalent  
14 of a municipal police department:

15 (1) Campus law-enforcement agencies established pursuant to G.S.  
16 115D-21.1(a) or ~~G.S. 116-40.5(a); and~~ G.S. 116-40.5(a).

17 (2) Colleges or universities which are licensed, or exempted from  
18 licensure, by G.S. 116-15 and which employ company police officers  
19 commissioned by the Attorney General pursuant to ~~Chapter 74E; and~~  
20 Chapter 74E.

21 (3) Law enforcement agencies operated or eligible to be operated by a  
22 municipality pursuant to G.S. 63-53(2).

23 (4) Employees of the Department of Environment and Natural Resources  
24 commissioned as special peace officers pursuant to G.S. 113-28.1."

25 **SECTION 2.** This act is effective when it becomes law.