

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 807

Short Title: Create Divisions - ALE and Cap. Police in DPS. (Public)

Sponsors: Representatives Boles, J. Bell, Willingham, and McNeill (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary III

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH ALCOHOL LAW ENFORCEMENT AND THE STATE
3 CAPITOL POLICE AS SEPARATE DIVISIONS OF THE DEPARTMENT OF PUBLIC
4 SAFETY.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. CREATE DIVISION OF ALCOHOL LAW ENFORCEMENT IN THE**
8 **DEPARTMENT OF PUBLIC SAFETY**

9 **SECTION 1.1.** The Alcohol Law Enforcement Branch of the State Bureau of
10 Investigation shall be relocated as a Division of the Department of Public Safety.

11 **SECTION 1.2.** Part 4 of Article 13 of Chapter 143B of the General Statutes is
12 amended by adding a new Subpart to read:

13 "Subpart F. Alcohol Law Enforcement Division.

14 "§ 143B-990. Creation of Alcohol Law Enforcement Division of the Department of Public
15 Safety.

16 There is created and established a division to be known as the Alcohol Law Enforcement
17 Division of the Department of Public Safety with the organization, powers, and duties defined
18 in Article 1 of this Chapter, except as modified in this Part."

19 **SECTION 1.3.** G.S. 143B-928 is repealed.

20 **SECTION 1.4.** G.S. 18B-500 reads as rewritten:

21 **"§ 18B-500. Alcohol law-enforcement agents.**

22 (a) Appointment. – The Director of the ~~State Bureau of Investigation shall~~ Division of
23 Alcohol Law Enforcement of the Department of Public Safety may appoint alcohol
24 law-enforcement agents and other enforcement personnel. a sufficient number of assistants who
25 shall be competent and qualified to do the work of the Division. The Director may also appoint
26 regular employees of the Commission as alcohol law-enforcement agents. shall be responsible
27 for making all hiring and personnel decisions of the Division. Notwithstanding the provisions
28 of this Chapter or Chapter 143A of the General Statutes, the Director may hire or fire personnel
29 and transfer personnel within the Division. Alcohol law-enforcement agents shall be designated
30 as "alcohol law-enforcement agents". Persons serving as reserve alcohol law-enforcement
31 agents are considered employees of the Alcohol Law Enforcement Branch for workers'
32 compensation purposes while performing duties assigned or approved by the Head of the
33 Alcohol Law Enforcement Branch or the Head's designee.

34 (b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, an
35 alcohol law-enforcement agent shall have authority to arrest and take other investigatory and



1 enforcement actions for any criminal offense. The primary responsibility of an agent shall be
 2 enforcement of the ABC ~~and lottery laws, laws, lottery laws,~~ and Article 5 of Chapter 90 of the
 3 General Statutes (The Controlled Substances Act).

4 ...

5 (g) Shifting of Personnel From One District to Another. – The ~~Head Director~~ of the
 6 Alcohol Law Enforcement ~~Branch, Division,~~ under rules adopted by the Department of Public
 7 Safety may, from time to time, shift the forces from one district to another or consolidate more
 8 than one district force at any point for special purposes. Whenever an agent of the Alcohol Law
 9 Enforcement ~~Section Division~~ is transferred from one district to another for the convenience of
 10 the State or for reasons other than the request of the agent, the Department shall be responsible
 11 for transporting the household goods, furniture, and personal apparel of the agent and members
 12 of the agent's household."

13 **SECTION 1.5.** The Department of Public Safety shall continue to consolidate ALE
 14 and SBI Regions and Regional Offices in the same manner so that all district offices remain
 15 co-located.

16 **SECTION 1.6.** G.S. 143-651 reads as rewritten:

17 "**§ 143-651. Definitions.**

18 The following definitions apply in this Article:

19 ...

20 (4a) ~~Branch. — The Alcohol Law Enforcement Branch of the State Bureau of~~
 21 ~~Investigation.~~

22 ...

23 (7a) Division. — The Alcohol Law Enforcement Division of the Department of
 24 Public Safety.

25 ...

26 (23b) Sanctioned amateur match. – Any match regulated by an amateur sports
 27 organization that has been recognized and approved by the ~~Branch Division.~~

28"

29 **SECTION 1.7.** The following statutes are amended by deleting the word "Branch"
 30 wherever it appears in uppercase and substituting "Division": G.S. 18B-101(5), 18B-201,
 31 18B-202, 18B-203, 18B-504, 18B-805, 18B-902, 18B-903, 18B-904, 18C-163(b), 19-2.1,
 32 105-259(b)(15), and 143-652.1 through 143-656.

33 **PART II. CREATE DIVISION OF STATE CAPITOL POLICE IN THE** 34 **DEPARTMENT OF PUBLIC SAFETY**

35 **SECTION 2.1.** The State Capitol Police Section of the State Highway Patrol shall
 36 be relocated as a Division of the Department of Public Safety.

37 **SECTION 2.2.** Subpart B of Part 4 of Article 13 of Chapter 143B of the General
 38 Statutes reads as rewritten:

39 "Subpart B. State Capitol ~~Police~~ Police Division.

40 "**§ 143B-911. Creation of State Capitol Police Section—Division; powers and duties.**

41 (a) ~~Section Division Established. — There is hereby established, within the State~~
 42 ~~Highway Patrol of the Department of Public Safety, There is created and established a division~~
 43 ~~to be known as the State Capitol Police Section, which shall be organized and staffed in~~
 44 ~~accordance with applicable laws and regulations and within the limits of authorized~~
 45 ~~appropriations. The Chief, special officers, and employees of the State Capitol Police Section~~
 46 ~~are not considered members of the State Highway Patrol.~~ Division of the Department of Public
 47 Safety with the organization, powers, and duties defined in Article 1 of this Chapter, except as
 48 modified in this Part.

49 (b) Purpose. – The State Capitol Police ~~Section Division~~ shall serve as a special police
 50 agency of the Department of Public Safety. The Chief of the State Capitol Police, appointed by
 51

1 the Secretary pursuant to G.S. 143B-602, with the approval of the Governor, may appoint as
2 special police officers such reliable persons as ~~he~~ the Chief may deem necessary.

3"

4 **SECTION 2.3.** G.S. 143B-602(8) reads as rewritten:

5 **"§ 143B-602. Powers and duties of the Secretary of Public Safety.**

6 The Secretary of Public Safety shall have the powers and duties as are conferred on the
7 Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the
8 Secretary by the Constitution and laws of this State. These powers and duties include the
9 following:

10 ...

11 (8) Other powers and duties. – The Secretary has the following additional
12 powers and duties:

13 ...

14 f. ~~Appointing, with the Governor's approval, Appointing~~ a special
15 police officer to serve as Chief of the State Capitol Police ~~Section of~~
16 ~~the State Highway Patrol Division.~~

17

18 i. Appointing the Director of the Division of Alcohol Law
19 Enforcement."

20 **SECTION 3.** This act becomes effective July 1, 2017.