

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 162
Judiciary Committee Substitute Adopted 4/19/17
Third Edition Engrossed 4/25/17

Short Title: LEO Assistance and Protection Act of 2017.

(Public)

Sponsors:

Referred to:

March 2, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE COMPANY POLICE THE AUTHORITY TO ENTER INTO
MUTUAL AID AGREEMENTS WITH LOCAL LAW ENFORCEMENT AGENCIES
AND TO PROVIDE ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES
UPON REQUEST REGARDLESS OF WHETHER A MUTUAL AID AGREEMENT IS
IN PLACE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74E-6 reads as rewritten:

"§ 74E-6. Oaths, powers, and authority of company police officers.

(a) Requirements. – An individual who is commissioned as a company police officer must take the oath of office required of a law enforcement officer before the individual assumes the duties of a company police officer. The person in each company police agency who is responsible for the agency's company police officers must be commissioned as a company police officer.

(b) Categories. – The following three distinct classifications of company police officers are established:

(1) Campus Police Officers – Only those company police officers who are employed by any college or university that is a constituent institution of The University of North Carolina or any private college or university that is licensed or exempted from licensure as prescribed by G.S. 116-15, and who are employed by a campus police agency that was licensed pursuant to this Chapter prior to the enactment of Chapter 74G of the General Statutes.

(2) Railroad Police Officers – Those company police officers who are employed by a certified rail carrier and commissioned as company police officers under this Chapter.

(3) Special Police Officers – All company police officers not designated as a campus police officer or railroad police officer.

(c) All Company Police. – Company police officers, while in the performance of their duties of employment, have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on any of the following:

- (1) Real property owned by or in the possession and control of their employer.
- (2) Real property owned by or in the possession and control of a person who has contracted with the employer to provide on-site company police security personnel services for the property.



- 1 (3) Any other real property while in continuous and immediate pursuit of a
2 person for an offense committed upon property described in subdivisions (1)
3 or (2) of this subsection.

4 Company police officers shall have, if duly authorized by the superior officer in charge, the
5 authority to carry concealed weapons pursuant to and in conformity with G.S. 14-269(b)(4) and
6 (5).

7 (d) Campus Police. – Campus police officers have the powers contained in subsection
8 (c) of this section and also have the powers in that subsection upon that portion of any public
9 road or highway passing through or immediately adjoining the property described in that
10 subsection, wherever located. The board of trustees of any college or university that qualifies as
11 a campus police agency pursuant to this Chapter may enter into a mutual aid agreement with
12 the governing board of a municipality or, with the consent of the county sheriff, a county to the
13 same extent as a municipal police department pursuant to Chapter 160A.

14 (e) Railroad Police. – Railroad police officers have the powers contained in subsection
15 (c) and also have the powers and authority granted by federal law or by a regulation
16 promulgated by the United States Secretary of Transportation. Notwithstanding any of the
17 provisions of this Chapter, the limitations on the power to make arrests contained in subsection
18 (c) above, shall not be applicable to railroad police officers commissioned by the Attorney
19 General pursuant to the authority of this Chapter.

20 (f) Repealed by Session Laws 2005-231, s. 3, effective July 28, 2005.

21 (g) Exclusive Authority. – Notwithstanding any other provision of law, the authority
22 granted to company police officers shall be limited to the provisions of this Chapter.

23 (h) Mutual Aid Agreements. – All company police agencies that qualify pursuant to this
24 Chapter may enter into mutual aid agreements with the governing board of a municipality or,
25 with the consent of the county sheriff, a county to the same extent as a municipal police
26 department pursuant to Chapter 160A of the General Statutes.

27 (i) As-Needed Assistance. – All company police may provide assistance to a law
28 enforcement agency at the request of the head of that agency such as the sheriff or chief of
29 police regardless of whether there is an agreement in place under subsection (h) of this section."

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