



HOUSE BILL 388: Modernize Mutual Assistance Statutes.

2017-2018 General Assembly

Committee:	House State and Local Government II	Date:	April 5, 2017
Introduced by:	Reps. McNeill, Faircloth, Meyer	Prepared by:	Nicholas Giddings Committee Counsel
Analysis of:	PCS to First Edition H388-CSBA-7		

OVERVIEW: House Bill 388 would allow for a law enforcement agency to provide assistance to another law enforcement agency unless specifically prohibited or limited by ordinance. The PCS makes the following technical corrections:

- Changes Section 2 (page 2, lines 3-4 of the PCS) to read "prohibited or limited" which conforms to language in Section 1 (was "limited or prohibited").
- Incorporates subsection (b) in Sections 1 and 2 and changes "sheriff's department" to "sheriff's office" which is the proper reference.

CURRENT LAW: North Carolina's Mutual Assistance statutes provide that law enforcement agencies may only provide temporary assistance to other agencies when authorized in accordance with the rules, policies, or guidelines of the governing body and requested in writing by the other agency. In practice, this requires a resolution at the local (city or county) level authorizing assistance as well as a mutual aid agreement between the assisting agency and requesting agency. Without the resolution and mutual aid agreement in place, the assisting agency would have no authority to assist in the jurisdiction of the requesting agency.

BILL ANALYSIS: House Bill 388 would amend G.S. 160A-288 (cooperation between law-enforcement agencies) and G.S. 160A-288.2 (assistance to State law-enforcement agencies) to allow a law-enforcement agency to provide temporary assistance, upon request, to another law-enforcement agency, including a State law-enforcement agency, unless specifically prohibited or limited by an ordinance. This would streamline the process by no longer requiring a city or county to pass a resolution to assist and have the agencies obtain a mutual aid agreement. Instead, the bill would permit an agency to assist another agency unless the city or county passes an ordinance prohibiting or limiting assistance. This change would reduce the paperwork and potential liability involved when a law-enforcement agency provides assistance to another agency, especially in a time of emergency.

The PCS makes clarifying and technical changes to the original bill by conforming language in Section 2 with language in Section 1 and changing "sheriff's department" to "sheriff's office" which is the proper reference.

EFFECTIVE DATE: This act is effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578