



# HOUSE BILL 388: Modernize Mutual Assistance Statutes.

2017-2018 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 20, 2017
<b>Introduced by:</b>	Reps. McNeill, Faircloth, Meyer	<b>Prepared by:</b>	Amy Darden
<b>Analysis of:</b>	Second Edition		Committee Counsel

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**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.*

**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.

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

*Nicholas Giddings, Staff Attorney, substantially contributed to this summary.*

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Director



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Legislative Analysis  
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