



SENATE BILL 191: Out-of-State Law Enforcement/2020 Rep Convtn.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 27, 2019
Introduced by:	Sens. Waddell, Bishop	Prepared by:	Shawn Middlebrooks Staff Attorney*
Analysis of:	First Edition		

OVERVIEW: *Senate Bill 191 would authorize a police department in a city with a population exceeding 500,000 to contract with an out-of-state law enforcement agency for the use of officers and equipment for a designated period.*

CURRENT LAW: Article 13 of Chapter 160A governs municipal law enforcement agencies. Among other things, it authorizes cooperation between State and local law enforcement agencies. However, it does not expressly authorize a municipal law enforcement agency to receive assistance from an out-of-state law enforcement agency.

BILL ANALYSIS: Section 1 of Senate Bill 191 would enact a new section in Article 13 of Chapter 160A authorizing the director or chief officer of a police department in a municipality with a population exceeding 500,000 to enter into an agreement with an out-of-state law enforcement agency for the use of officers or equipment for a designated period.

Participating out-of-state law enforcement officers who are certified and sworn in their home jurisdiction would be deemed to have met State certification requirements for being sworn as a law enforcement officer for the municipal police department contracting for their service.

In addition, an exception to the statutory prohibition against dual-office holding would be made for out-of-state law enforcement officers providing assistance under a contract with a municipal police department, when the one of the appointive offices is that of an out-of-state law enforcement officer and the other appointive office is that of a law enforcement officer for a municipality authorized to enter into a temporary intergovernmental agreement under the act.

EFFECTIVE DATE: The new statutory section would become effective January 1, 2020, would apply to all intergovernmental law enforcement agreements entered into on or after that date, and would expire October 1, 2020.

BACKGROUND: The City of Charlotte will be hosting the 2020 Republican National Convention. Senate Bill 191 would authorize the city's police department to contract with out-of-state law enforcement agencies for assistance during this event.¹ The General Assembly passed similar legislation prior to the 2012 Democratic National Convention, which was also hosted in Charlotte, North Carolina.²

**Staff Attorney Bill Patterson substantially contributed to this summary.*

¹ According to the U.S. Census Bureau, as of July 1, 2017, Charlotte's estimated population was 859,035, and the State's next-largest city, Raleigh, had an estimated population of 464,758.

<https://www.census.gov/quickfacts/fact/table/raleighcitynorthcarolina,charlottcitynorthcarolina/PST045217>

² S.L. 2011-316.

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