



2023-2024 General Assembly

SENATE BILL 382: Disaster Relief-3/Budget/Various Law Changes, Sec. 3E.1 and 3E.2: Make State Highway Patrol Independent Department

Committee:		Date:	January 14, 2025
Introduced by:		Prepared by:	Susan Sitze
Analysis of:	Sec. 3E.1 and 3E.2 of S.L. 2024-57		Staff Attorney

OVERVIEW: Section 3E.1 of S.L. 2024-57 establishes the State Highway Patrol (SHP), which is currently located in the Department of Public Safety (DPS), as an independent, cabinet-level department that includes all personnel and responsibilities currently under the SHP. Additionally, the State Capitol Police, also currently in DPS, and all sworn law enforcement personnel within the License and Theft Bureau of the Division of Motor Vehicles (DMV) of the Department of Transportation (DOT) are moved to the SHP.

Section 3E.2 of S.L. 2024-57 makes conforming changes to various statutes consistent with the creation of the new SHP.

This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024.

Generally, the new department becomes effective July 1, 2025, however some provisions of the section related to preparation for separation of the SHP from DPS became effective December 11, 2024.

CURRENT LAW and BILL ANALYSIS:

Section 3E.1 establishes the State Highway Patrol (SHP), which is currently located in the Department of Public Safety (DPS), as an independent, cabinet-level department and recodifies the SHP statutes as a new Article 17 of Chapter 143B, effective July 1, 2025. The new SHP includes all personnel, equipment, and responsibilities currently under the SHP, and the provisions establishing the new department also include the following:

- The State Capitol Police, currently in DPS, is transferred to the newly created SHP as the State Capitol Police Division. The Commander of the SHP will appoint the Chief of the State Capitol Police Division.
- All sworn law enforcement personnel located in the Department of Transportation, Division of Motor Vehicles (DMV) License and Theft Bureau are transferred to the newly created SHP, including the personnel positions, salaries, property, and other funds allocated for sworn law enforcement personnel and responsibilities and duties required to be performed by sworn law enforcement officers.

Generally, the Commander of the State Highway Patrol will be appointed by the Governor to a five-year term, subject to confirmation by the General Assembly. However, subsection (u) provides that the person in the position of Commander on November 18, 2024, will continue to serve as Commander until July 1, 2025, and fill the first five-year term without additional confirmation by the General Assembly, absent

Kara McCraw
Director



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Legislative Analysis
Division
919-733-2578

Senate Bill 382

Page 2

that person's death, resignation, or physical or mental incapacity. The Commander has the authority to exempt no more than 10 employees.

DMV, in consultation with the SHP, is directed to review the current statutory responsibilities assigned to DMV that are being performed by the License and Theft Bureau to determine which statutory responsibilities must be performed by sworn law enforcement personnel and make recommendations for statutory changes to the Joint Legislative Transportation Oversight Committee no later than March 1, 2025.

The SHP will continue to be entirely exempt from information technology oversight by the Department of Information Technology.

Section 3E.2 makes conforming changes to other statutes to make them consistent with the creation of the new SHP.

EFFECTIVE DATE: This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024.

Generally, the new department becomes effective July 1, 2025, however some provisions of the section related to preparation for separation of the SHP from DPS became effective December 11, 2024.