

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 262
HOUSE BILL 976

AN ACT TO PROTECT FEDERAL OFFICERS AGAINST CIVIL LIABILITY
WHEN ASSISTING STATE OR LOCAL LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes is amended by adding a new section after G.S. 15A-405 to read:

"§ 15A-406. Assistance by federal officers.

(a) For purposes of this section, 'federal law enforcement officer' means any of the following persons who are employed as full-time law enforcement officers by the federal government and who are authorized to carry firearms in the performance of their duties:

- (1) United States Secret Service special agents;
- (2) Federal Bureau of Investigation special agents;
- (3) Bureau of Alcohol, Tobacco and Firearms special agents;
- (4) United States Naval Investigative Service special agents;
- (5) Drug Enforcement Administration special agents;
- (6) United States Customs Service officers;
- (7) United States Postal Service inspectors;
- (8) Internal Revenue Service special agents;
- (9) United States Marshals Service marshals and deputies;
- (10) United States Forest Service officers;
- (11) National Park Service officers.
- (12) U.S. Fish and Wildlife Service

(b) A federal law enforcement officer is authorized under the following circumstances to enforce criminal laws anywhere within the State:

- (1) If the federal law enforcement officer is asked by the head of a state or local law enforcement agency, or his designee, to provide temporary assistance and the request is within the scope of the state or local law enforcement agency's subject matter and territorial jurisdiction; or
- (2) If the federal law enforcement officer is asked by a state or local law enforcement officer to provide temporary assistance when at the time of the request the state or local law enforcement officer is acting within the scope of his subject matter and territorial jurisdiction.

(c) A federal law enforcement officer shall have the same powers as those invested by statute or common law in a North Carolina law enforcement officer, and

shall have the same legal immunity from personal civil liability as a North Carolina law enforcement officer, while acting pursuant to this section.

(d) A federal law enforcement officer who acts pursuant to this section shall not be considered an officer, employee, or agent of any state or local law enforcement agency.

(e) For purposes of the Federal Tort Claims Act, a federal law enforcement officer acts within the scope of his office or employment while acting pursuant to this section.

(f) Nothing in this section shall be construed to expand the authority of federal officers to initiate or conduct an independent investigation into violation of North Carolina law."

Sec. 2. This act is effective upon ratification and applies to actions by federal law enforcement officers occurring on or after that date.

In the General Assembly read three times and ratified this the 11th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives