

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS55135-SB-12 (3/10)

Short Title: Expand Marine Inspector Enforcement Auth. (Public)

Sponsors: Senator Albertson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE ENFORCEMENT AUTHORITY OF MARINE PATROL INSPECTORS TO INCLUDE CRIMINAL OFFENSES COMMITTED IN THE PRESENCE OF AN INSPECTOR AND WHEN AN INSPECTOR IS ASKED TO TEMPORARILY ASSIST A STATE OR LOCAL GOVERNMENT LAW ENFORCEMENT AGENCY.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d1) of G.S. 113-136 is repealed.

SECTION 2. G.S. 113-136 is amended by adding two new subsections to

read:

"(d2) In addition to law enforcement authority granted elsewhere, an inspector or protector has the authority to enforce criminal laws when the inspector or protector has probable cause to believe that a person has committed a criminal offense in the presence of the inspector or protector and, at the time of the violation, the inspector or protector is engaged in the enforcement of laws otherwise within the jurisdiction of the inspector or protector. When acting pursuant to this subsection, an inspector or protector shall have the same powers invested in law enforcement officers by statute or common law. Nothing in this subsection shall be construed to expand the authority of an inspector or protector to initiate or conduct an independent investigation into violations of criminal laws outside the scope of the subject matter or territorial jurisdiction of the inspector or protector.

(d3) In addition to law enforcement authority granted elsewhere, an inspector or protector has the authority to enforce criminal laws when the inspector or protector is asked to provide temporary assistance by the head of a State or local law enforcement agency or the designee of the head of a State or local law enforcement agency and the request is within the scope of the subject matter jurisdiction of the agency. When acting pursuant to this subsection, an inspector or protector shall have the same powers

1 invested in law enforcement officers by statute or common law. When acting pursuant
2 to this subsection, an inspector or protector shall not be considered an officer, employee,
3 or agent for the State or local law enforcement agency or designee asking for temporary
4 assistance. Nothing in this subsection shall be construed to expand the authority of an
5 inspector or protector to initiate or conduct an independent investigation into violations
6 of criminal laws outside the scope of the subject matter or territorial jurisdiction of the
7 inspector or protector."

8 **SECTION 3.** This act is effective when it becomes law.