

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1074

Short Title: Wildlife Protectors/Public Safety Stops. (Public)

Sponsors: Senators Snow; Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Brunstetter, Davis, Goss, Kinnaird, Nesbitt, Queen, Swindell, Tillman, and Weinstein.

Referred to: State and Local Government.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF WILDLIFE PROTECTORS TO MAKE STOPS IN THE INTEREST OF PUBLIC SAFETY BASED UPON REASONABLE SUSPICION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113-136(d1) reads as rewritten:

"(d1) Notwithstanding any other provision of this section, ~~It~~ in addition to law enforcement authority granted elsewhere, a protector has the authority to enforce criminal laws under the following circumstances:

(1) When the protector has probable cause to believe that a person committed a criminal offense in his presence and at the time of the violation the protector is on duty or engaged in the enforcement of laws otherwise within his jurisdiction; or

(2) When the protector is asked to provide temporary assistance by the head of a State or local law enforcement agency or his designee and the request is within the scope of the agency's subject matter jurisdiction.

While acting pursuant to this subsection, a protector shall have the same powers invested in law enforcement officers by statute or common law. When acting pursuant to (2) of this subsection a protector shall not be considered an officer, employee, or agent for the state or local law enforcement agency or designee asking for temporary assistance. Nothing in this subsection shall be construed to expand the authority of protectors to initiate or conduct an independent investigation into violations of criminal laws outside the scope of their subject matter or territorial jurisdiction. For purposes of this subsection, the term "independent investigation" does not include a stop made in the interest of public safety based upon reasonable suspicion.

**SECTION 2.** G.S. 113-136(g) reads as rewritten:

"(g) Protectors may not exercise the authority granted under subsection (f) of this section to temporarily stop or inspect vehicles proceeding along primary highways of the State without clear evidence that someone within the vehicle is or has recently been engaged in an activity regulated by the Wildlife Resources Commission. Inspectors may temporarily stop vehicles, boats, airplanes, and other conveyances upon reasonable grounds to believe that they are transporting seafood products; they are authorized to inspect any seafood products being transported to determine whether they were taken in accordance with law and to require exhibition of any applicable license, receipts, permits, bills of lading, or other identification required to accompany such seafood products."



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**SECTION 3.** This act becomes effective October 1, 2009.