

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS75140-LL-48 (2/8)

Short Title: Campus Police Act.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE CAPACITY OF PRIVATE INSTITUTIONS OF
HIGHER EDUCATION TO PROTECT THE SAFETY AND WELFARE OF
THEIR STUDENTS, FACULTY, AND STAFF BY ENACTING THE CAMPUS
POLICE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to
read:

"Chapter 74G.

"Campus Police Act.

"§ 74G-1. Title.

This Chapter is the "Campus Police Act" and may be cited by that name.

"§ 74G-2. Policy and scope.

(a) The purpose of this Chapter is to protect the safety and welfare of students, faculty, and staff in institutions of higher education by fostering integrity, proficiency, and competence among campus police agencies and campus police officers. To achieve this purpose, the General Assembly finds that a Campus Police Program needs to be established. As part of the Campus Police Program, the Attorney General is given the authority to certify a private, nonprofit institution of higher education, other than those described by G.S. 116-15(d), as a campus police agency and to commission an individual as a campus police officer.

(b) The purpose of this Chapter is also to assure, to the extent consistent with the State and federal constitutions, that this protection is not denied to students, faculty, and staff at private, nonprofit institutions of higher education originally established by or affiliated with religious denominations. To achieve the purpose, the General Assembly finds that:

- 1 (1) Most of the State's private, nonprofit institutions of higher education
2 were originally established by or affiliated with religious
3 denominations;
- 4 (2) These institutions have made and continue to make significant
5 contributions in education to the State and the nation;
- 6 (3) These institutions admit students regardless of their spiritual or
7 religious beliefs;
- 8 (4) These institutions' principal mission is educational;
- 9 (5) All of these institutions are accredited by the Commission on Colleges
10 of the Southern Association of Colleges and Schools and as such have
11 independent governing boards of trustees;
- 12 (6) The principal State power conferred on campus police by this Chapter
13 is the power of arrest;
- 14 (7) This power is important to protect the safety and welfare of students,
15 faculty, and staff at these institutions;
- 16 (8) In exercising the power of arrest, these officers apply standards
17 established by State and federal law only; and
- 18 (9) The exercise of this power is reviewable by the General Court of
19 Justice and the federal courts.

20 (c) Public educational institutions operating under the authority of the Board of
21 Governors of The University of North Carolina or the State Board of Community
22 Colleges and private educational institutions that are licensed by the Board of
23 Governors of The University of North Carolina pursuant to G.S. 116-15 or that are
24 exempt from licensure by the Board of Governors pursuant to G.S. 116-15(c) may apply
25 to the Attorney General to be certified as a campus police agency. A campus police
26 agency may apply to the Attorney General to commission an individual designated by
27 the agency to act as a campus police officer for the agency.

28 **"§ 74G-3. Liability insurance policy or certificate of self-insurance required;**
29 **suspension of campus police agency certification for failure to comply.**

30 (a) An applicant for certification as a campus police agency must file with the
31 Attorney General either a copy of a liability insurance policy that meets the
32 requirements of this section or a certificate of self-insurance designating assets
33 sufficient to satisfy the coverage requirements of this section if the applicant is a
34 nonpublic entity. The policy or certificate of self-insurance must provide not less than
35 one million dollars (\$1,000,000) of coverage per incident for personal injury or property
36 damage resulting from a negligent act of the applicant or an agent or employee of the
37 applicant operating in the course and scope of employment or under color of law. The
38 form, execution, and terms of a liability insurance policy must meet the requirements of
39 the Attorney General.

40 (b) An insurance carrier that issues a liability insurance policy required by this
41 section may cancel the policy upon giving 30 days' written notice to both the campus
42 police agency and the Attorney General. The written notice must be given by certified
43 mail, return receipt requested. Cancellation of a liability insurance policy does not affect
44 any liability on the policy that accrued prior to the effective cancellation date.

1 (c) A campus police agency that is a nonpublic entity must maintain the liability
2 insurance policy or certificate of self-insurance required by this section in effect at all
3 times. The Attorney General shall suspend the certification of a campus police agency
4 that fails to maintain a liability insurance policy or certificate of self-insurance when
5 required to do so by this section. A certification suspended for this reason may not be
6 reinstated until the person whose certification was suspended files with the Attorney
7 General an application for reinstatement and either the required liability insurance
8 policy or certificate of self-insurance.

9 **"§ 74G-4. Powers of Attorney General.**

10 The Attorney General has the following powers in addition to those conferred
11 elsewhere in this Chapter:

- 12 (1) To establish minimum education, experience, and training standards
13 and establish and require written or oral examinations for an applicant
14 for certification as a campus police agency, a certified campus police
15 agency, an applicant for commission as a campus police officer, or a
16 commissioned campus police officer.
- 17 (2) To require a campus police agency or a campus police officer to
18 submit reports or other information.
- 19 (3) To inspect records maintained by a campus police agency.
- 20 (4) To conduct investigations regarding alleged violations of this Chapter
21 or a rule adopted under this Chapter and to make evaluations as may
22 be necessary to determine if a campus police agency or a campus
23 police officer is complying with this Chapter or a rule adopted under
24 this Chapter.
- 25 (5) To deny, suspend, or revoke a certification as a campus police agency
26 or a commission as a campus police officer for failure to meet the
27 requirements of or comply with this Chapter or a rule adopted under
28 this Chapter, in accordance with Article 3 of Chapter 150B of the
29 General Statutes.
- 30 (6) To appear in the name of the Campus Police Program and apply to the
31 courts having jurisdiction for injunctions to prevent a violation of this
32 Chapter or a rule adopted under this Chapter.
- 33 (7) To delegate the authority to administer this Chapter.
- 34 (8) To require that the Criminal Justice Standards Division provide
35 administrative support staff for the Campus Police Program.
- 36 (9) To adopt rules needed to implement this Chapter, in accordance with
37 Chapter 150B of the General Statutes.

38 **"§ 74G-5. Records.**

39 (a) The Attorney General is the legal custodian of all books, papers, documents,
40 or other records and property of the Campus Police Program.

41 (b) Any papers, documents, or other records that become the property of the
42 Campus Police Program and are placed in a campus police officer's personnel file
43 maintained by the Attorney General are subject to the same restrictions concerning

1 disclosure as set forth in Chapters 126, 153A, and 160A of the General Statutes for
2 other personnel records.

3 (c) Notwithstanding the provisions of subsection (b) of this section, the Attorney
4 General may disclose the contents of any records maintained under the authority of this
5 Chapter to the Criminal Justice Education and Training Standards Commission, the
6 Sheriff's Education and Training Standards Commission, or any other criminal justice
7 agency for certification or employment purposes.

8 **"§ 74G-6. Oaths, powers, and authority of campus police officers.**

9 (a) Requirements. – An individual who is commissioned as a campus police
10 officer must take the oath of office required of a law enforcement officer before the
11 individual assumes the duties of a campus police officer. The person in each campus
12 police agency who is responsible for the agency's campus police officers must be
13 commissioned as a campus police officer.

14 (b) Powers and Authority of Officers. – Campus police officers, while in the
15 performance of their duties of employment, have the same powers as municipal and
16 county police officers to make arrests for both felonies and misdemeanors and to charge
17 for infractions on any of the following:

- 18 (1) Real property owned by or in the possession and control of the
19 institution employing the officer.
- 20 (2) Any portion of any public road or highway passing through the real
21 property described in subdivision (1) of this subsection or immediately
22 adjoining it, wherever located.
- 23 (3) Any other real property while in continuous and immediate pursuit of a
24 person for an offense committed upon property described in
25 subdivision (1) or (2) of this subsection.

26 In exercising the powers conferred by this subsection, campus police officers shall
27 apply the standards established by the law of this State and the United States.

28 (c) Powers and Authority of Institutions. – The governing body of any private
29 educational institution that has a campus police agency may:

- 30 (1) Enter into joint agreements with the governing board of any
31 municipality to extend the law enforcement authority of campus police
32 officers into any or all of the municipality's jurisdiction and to
33 determine the circumstances in which this extension of authority may
34 be granted;
- 35 (2) Enter into joint agreements with the governing board of any county
36 and, with the consent of the sheriff, to extend the law enforcement
37 authority of campus police officers into any or all of the county's
38 jurisdiction and to determine the circumstances in which this extension
39 of authority may be granted; and
- 40 (3) Enter into joint agreements with the governing board of any other
41 public or private educational institution that has a campus police
42 agency pursuant to this Chapter or pursuant to G.S. 116-40.5 to extend
43 the law enforcement authority of its campus police officers into any or

1 all of the other institution's jurisdiction and to determine the
2 circumstances as to which its extension of authority may be granted.

3 (d) Concealed Weapons. – Notwithstanding the provisions of G.S. 14-269,
4 campus police officers may carry a concealed weapon in performing their duties to the
5 extent authorized by their campus police agency and approved by the sheriff of the
6 county in which the campus police agency is located.

7 (e) Public Institutions Option. – Notwithstanding any of the provisions of this
8 Chapter, the board of trustees of any constituent institution of The University of North
9 Carolina may elect to have its officers certified under Chapter 17C and Chapter 116 of
10 the General Statutes, and the board of trustees of any community college may elect to
11 have its officers certified under Chapter 17C and Chapter 115D of the General Statutes
12 rather than requesting certification as a campus police agency and campus police
13 commission pursuant to the provisions of this Chapter.

14 (f) Exclusive Authority. – Notwithstanding any other provision of law, the
15 authority granted to campus police officers shall be limited to the provisions of this
16 Chapter.

17 **"§ 74G-7. Badges, uniforms, weapons, and vehicles.**

18 Campus police agencies shall be responsible for ensuring that all employees,
19 whether or not commissioned, comply with the provisions of this Chapter and the rules
20 adopted under this Chapter, including those provisions pertaining to the wearing of
21 badges and uniforms, the carrying of weapons, and the operation of vehicles.

22 **"§ 74G-8. Minimum standards for campus police officers.**

23 Applicants for commission as a campus police officer and a commissioned campus
24 police officer must meet and maintain the same minimum preemployment and
25 in-service standards as are required for State law enforcement officers by the North
26 Carolina Criminal Justice Education and Training Standards Commission and must
27 meet and maintain any other preemployment and in-service requirements set by the
28 Attorney General.

29 **"§ 74G-9. Compensation of campus police officers.**

30 The compensation of a campus police officer shall be paid by the campus police
31 agency for which the officer is commissioned, as may be agreed on between them.

32 **"§ 74G-10. Expiration, renewal, and termination of agency certification or officer**
33 **commission.**

34 (a) Agency. – Unless sooner suspended or revoked by the Attorney General, a
35 campus police agency's certification expires on June 30 of the calendar year following
36 the date it is issued. A campus police agency may renew the certification upon payment
37 of the appropriate fee and compliance with this Chapter and the rules adopted under this
38 Chapter. An entity whose campus police agency's certification was denied or revoked
39 for a violation of this Chapter or a rule adopted under this Chapter is not eligible to
40 apply again for that certification for three years.

41 (b) Officer. – Unless sooner suspended or revoked by the Attorney General, a
42 campus police officer's commission expires on June 30 of the calendar year following
43 the date it is issued. A campus police officer may renew a commission upon payment of
44 the appropriate fee and compliance with this Chapter and the rules adopted under this

Chapter. The Attorney General shall immediately revoke the commission of a campus police officer when any of the following occurs:

- (1) Termination of employment with the campus police agency for which the officer is commissioned.
- (2) Termination, suspension, or revocation of the certification of the campus police agency for which the officer is commissioned.
- (3) Failure to meet in-service training requirements as required by this Chapter or the rules adopted under this Chapter.
- (4) Violation of this Chapter or a rule adopted under this Chapter.

An individual whose campus police officer's commission was denied or revoked for a violation of this Chapter or a rule adopted under this Chapter is not eligible to apply again for a commission for three years.

"§ 74G-11. Immunity.

Neither the Attorney General nor any of the Attorney General's employees may be held criminally or civilly liable for any acts or omissions in carrying out the provisions of this Chapter or for the acts or omissions of agencies or officers certified or commissioned under this Chapter.

"§ 74G-12. Fees.

The Attorney General may charge fees for the items listed in the following table, not to exceed the amounts listed in the table:

<u>Item</u>	<u>Maximum Fee</u>
<u>Application for certification as a campus police agency</u>	<u>\$ 250.00</u>
<u>Annual renewal of certification as a campus police agency</u>	<u>\$ 200.00</u>
<u>Application for reinstatement of certification as a campus police agency</u>	<u>\$ 1,000</u>
<u>Application for commission as a campus police officer</u>	<u>\$ 100.00</u>
<u>Annual renewal of commission as a campus police officer</u>	<u>\$ 50.00</u>
<u>Application for reinstatement of commission as a campus police officer</u>	<u>\$ 150.00</u>

The fees imposed under this section are not refundable. Fees collected under this section shall be applied to the cost of administering this Chapter.

"§ 74G-13. Penalties and enforcement.

(a) No private person, firm, association, or corporation, and no public institution, agency, or other entity shall engage in, perform any services as, or in any way hold itself out as a campus police agency or engage in the recruitment or hiring of campus police officers without having first complied with the provisions of this Chapter. Any person, firm, association, or corporation, or their agents and employees violating any of the provisions of this Chapter shall be guilty of a Class 1 misdemeanor.

1 (b) The Campus Police Program may apply in its own name to the superior court
2 for an injunction to prevent any violation or threatened violation of this Chapter or a
3 rule adopted under this Chapter, and the superior courts have jurisdiction to grant the
4 requested relief, irrespective of whether or not criminal prosecution has been instituted
5 or administrative sanctions imposed because of the violation. The venue for an action
6 brought under this subsection shall be in any county selected by the Attorney General.

7 (c) This section does not relieve a campus police agency from any civil liability
8 for the acts of its campus police officers in exercising or attempting to exercise the
9 powers conferred by this Chapter."

10 **SECTION 2.** G.S. 74E-2(b) reads as rewritten:

11 "(b) ~~A public or private educational institution or hospital, a State institution, or a~~
12 ~~corporation engaged in providing on-site police security personnel services for persons~~
13 ~~or property may apply to the Attorney General to be certified as a company police~~
14 ~~agency. A company police agency may apply to the Attorney General to commission an~~
15 ~~individual designated by the agency to act as a company police officer for the agency."~~

16 **SECTION 3.** G.S. 74E-6 reads as rewritten:

17 "**§ 74E-6. Oaths, powers, and authority of company police officers.**

18 (a) Requirements. – An individual who is commissioned as a company police
19 officer must take the oath of office required of a law enforcement officer before the
20 individual assumes the duties of a company police officer. The person in each company
21 police agency who is responsible for the agency's company police officers must be
22 commissioned as a company police officer.

23 (b) Categories. – The following ~~three~~ two distinct classifications of company
24 police officers are established:

25 (1) ~~Campus Police Officers – Those company police officers who are~~
26 ~~employed by any college or university that is a constituent institution~~
27 ~~of The University of North Carolina or any private college or~~
28 ~~university that is licensed or exempted from licensure as prescribed by~~
29 ~~G.S. 116-15.~~

30 (2) Railroad Police Officers – Those company police officers who are
31 employed by a certified rail carrier and commissioned as company
32 police officers under this Chapter.

33 (3) Special Police Officers – All company police officers not designated
34 as a campus police officer or railroad police officer.

35 (c) All Company Police. – Company police officers, while in the performance of
36 their duties of employment, have the same powers as municipal and county police
37 officers to make arrests for both felonies and misdemeanors and to charge for
38 infractions on any of the following:

39 (1) Real property owned by or in the possession and control of their
40 employer.

41 (2) Real property owned by or in the possession and control of a person
42 who has contracted with the employer to provide on-site company
43 police security personnel services for the property.

- 1 (3) Any other real property while in continuous and immediate pursuit of a
2 person for an offense committed upon property described in
3 subdivisions (1) or (2) of this subsection.

4 Company police officers shall have, if duly authorized by the superior officer in charge,
5 the authority to carry concealed weapons pursuant to and in conformity with
6 G.S. 14-269(b)(5).

7 ~~(d) Campus Police. — Campus police officers have the powers contained in~~
8 ~~subsection (c) of this section and also have the powers in that subsection upon that~~
9 ~~portion of any public road or highway passing through or immediately adjoining the~~
10 ~~property described in that subsection, wherever located. The board of trustees of any~~
11 ~~college or university that qualifies as a campus police agency pursuant to this Chapter~~
12 ~~may enter into a mutual aid agreement with the governing board of a municipality or,~~
13 ~~with the consent of the county sheriff, a county to the same extent as a municipal police~~
14 ~~department pursuant to Chapter 160A.~~

15 (e) Railroad Police. — Railroad police officers have the powers contained in
16 subsection (c) and also have the powers and authority granted by federal law or by a
17 regulation promulgated by the United States Secretary of Transportation.
18 Notwithstanding any of the provisions of this Chapter, the limitations on the power to
19 make arrests contained in subsection (c) above, shall not be applicable to railroad police
20 officers commissioned by the Attorney General pursuant to the authority of this
21 Chapter.

22 ~~(f) Campus Option. — Notwithstanding any of the provisions of this Chapter, the~~
23 ~~Board of Trustees of any constituent institution of The University of North Carolina~~
24 ~~may elect to have its officers certified under Chapter 17C and Chapter 116 of the~~
25 ~~General Statutes and the board of trustees of any community college may elect to have~~
26 ~~its officers certified under Chapter 17C and Chapter 115D of the General Statutes rather~~
27 ~~than requesting certification as a company police agency and company police~~
28 ~~commission pursuant to the provisions of this Chapter.~~

29 (g) Exclusive Authority. — Notwithstanding any other provision of law, the
30 authority granted to company police officers shall be limited to the provisions of this
31 Chapter."

32 **SECTION 4.** G.S. 14-415.10(4) reads as rewritten:

33 "(4) Qualified former sworn law enforcement officer. — An individual who
34 retired from service as a law enforcement officer with a local, State,
35 campus police, or company police agency in North Carolina, other
36 than for reasons of mental disability, who has been retired as a sworn
37 law enforcement officer two years or less from the date of the permit
38 application, and who satisfies all of the following:

- 39 a. Immediately before retirement, the individual was a qualified
40 law enforcement officer with a local, State, or company police
41 agency in North Carolina.
42 b. The individual has a nonforfeitable right to benefits under the
43 retirement plan of the local, State, or company police agency as
44 a law enforcement officer or has 20 or more aggregate years of

- 1 law enforcement service and has retired from a company police
2 agency that does not have a retirement plan.
3 c. The individual is not prohibited by State or federal law from
4 receiving a firearm."

5 **SECTION 5.** G.S. 14-415.10(5) reads as rewritten:

6 "(5) Qualified sworn law enforcement officer. – A law enforcement officer
7 employed by a local, State, campus police, or company police agency
8 in North Carolina who satisfies all of the following:

- 9 a. The individual is authorized by the agency to carry a handgun
10 in the course of duty.
11 b. The individual is not the subject of a disciplinary action by the
12 agency that prevents the carrying of a handgun.
13 c. The individual meets the requirements established by the
14 agency regarding handguns."

15 **SECTION 6.** When this act becomes law, all certificates issued to police
16 agencies at private institutions of higher education and commissions issued to their
17 police officers pursuant to Chapter 74E of the General Statutes shall automatically
18 convert to certification and commissions issued pursuant to this act and shall be
19 administered in conformity with this act. Notwithstanding any of the provisions of
20 Chapter 74G of the General Statutes, as enacted by this act, or the provisions of Chapter
21 74E of the General Statutes, the board of trustees of any private educational institution
22 that, on the effective date of this act, has a company police agency licensed pursuant to
23 Chapter 74E of the General Statutes, may elect to continue to have its officers certified
24 under Chapter 74E of the General Statutes rather than pursuant to Chapter 74G of the
25 General Statutes, as enacted by this act, by making a written request to the Attorney
26 General no later than July 1, 2005.

27 **SECTION 7.** This act is effective when it becomes law.