

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 527
Judiciary I Committee Substitute Adopted 4/4/05
Finance Committee Substitute Adopted 5/26/05
House Committee Substitute Favorable 7/5/05

Short Title: Campus Police Act.

(Public)

Sponsors:

Referred to:

March 15, 2005

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 this 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. – Campus police officers shall have, if duly authorized
4 by their campus police agency and by the sheriff of the county in which the campus
5 police agency is located, the authority to carry concealed weapons pursuant to and in
6 conformity with G.S. 14-269(b)(5).

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 certified under this Chapter shall be limited
16 to the provisions of this 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 distinct classifications of company police
24 officers are established:

25 (1) Campus Police Officers – ~~Only Those~~~~those~~ company police officers
26 who are employed by any college or university that is a constituent
27 institution of The University of North Carolina or any private college
28 or university that is licensed or exempted from licensure as prescribed
29 by ~~G.S. 116-15~~.G.S. 116-15, and who are employed by a campus
30 police agency that was licensed pursuant to this Chapter prior to the
31 enactment of Chapter 74G of the General Statutes.

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

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

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

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

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

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

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

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

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

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

32 (g) Exclusive Authority. – Notwithstanding any other provision of law, the
33 authority granted to company police officers shall be limited to the provisions of this
34 Chapter."

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

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

42 a. Immediately before retirement, the individual was a qualified
43 law enforcement officer with a local, State, or company police
44 agency in North Carolina.

- 1 b. The individual has a nonforfeitable right to benefits under the
2 retirement plan of the local, State, or company police agency as
3 a law enforcement officer or has 20 or more aggregate years of
4 law enforcement service and has retired from a company police
5 agency that does not have a retirement plan.
6 c. The individual is not prohibited by State or federal law from
7 receiving a firearm."

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

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

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

18 **SECTION 6.1.** G.S. 14-34.2 reads as rewritten:

19 "**§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental
20 officers or employees, company police officers, or campus police officers.**

21 Unless a person's conduct is covered under some other provision of law providing
22 greater punishment, any person who commits an assault with a firearm or any other
23 deadly weapon upon an officer or employee of the State or of any political subdivision
24 of the State, a company police officer certified pursuant to the provisions of Chapter
25 74E of the General Statutes, or a campus police officer certified pursuant to the
26 provisions of Chapter 74G, Chapter 17C or Chapter 116 of the General Statutes, in the
27 performance of his duties shall be guilty of a Class F felony."

28 **SECTION 6.2.** G.S. 14-33(c) reads as rewritten:

29 "(c) Unless the conduct is covered under some other provision of law providing
30 greater punishment, any person who commits any assault, assault and battery, or affray
31 is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery,
32 or affray, he or she:

- 33 (1) Inflicts serious injury upon another person or uses a deadly weapon;
34 (2) Assaults a female, he being a male person at least 18 years of age;
35 (3) Assaults a child under the age of 12 years;
36 (4) Assaults an officer or employee of the State or any political
37 subdivision of the State, when the officer or employee is discharging
38 or attempting to discharge his official duties;
39 (5) Repealed by Session Laws 1999-105, s. 1, effective December 1,
40 1999; or
41 (6) Assaults a school employee or school volunteer when the employee or
42 volunteer is discharging or attempting to discharge his or her duties as
43 an employee or volunteer, or assaults a school employee or school
44 volunteer as a result of the discharge or attempt to discharge that

1 individual's duties as a school employee or school volunteer. For
2 purposes of this subdivision, the following definitions shall apply:

3 a. "Duties" means:

- 4 1. All activities on school property;
- 5 2. All activities, wherever occurring, during a school
6 authorized event or the accompanying of students to or
7 from that event; and
- 8 3. All activities relating to the operation of school
9 transportation.

10 b. "Employee" or "volunteer" means:

- 11 1. An employee of a local board of education; or a charter
12 school authorized under G.S. 115C-238.29D, or a
13 nonpublic school which has filed intent to operate under
14 Part 1 or Part 2 of Article 39 of Chapter 115C of the
15 General Statutes;
- 16 2. An independent contractor or an employee of an
17 independent contractor of a local board of education,
18 charter school authorized under G.S. 115C-238.29D, or a
19 nonpublic school which has filed intent to operate under
20 Part 1 or Part 2 of Article 39 of Chapter 115C of the
21 General Statutes, if the independent contractor carries
22 out duties customarily performed by employees of the
23 school; and
- 24 3. An adult who volunteers his or her services or presence
25 at any school activity and is under the supervision of an
26 individual listed in sub-sub-subdivision 1. or 2. of this
27 sub-subdivision.

28 (7) Assaults a public transit operator, including a public employee or a
29 private contractor employed as a public transit operator, when the
30 operator is discharging or attempting to discharge his or her duties.

31 (8) Assaults a company police officer certified pursuant to the provisions
32 of Chapter 74E of the General Statutes or a campus police officer
33 certified pursuant to the provisions of Chapter 74G, Chapter 17C, or
34 Chapter 116 of the General Statutes in the performance of that person's
35 duties."

36 **SECTION 7.** G.S. 15A-402(f) reads as rewritten:

37 "(f) Campus Police Officers, Immediate and Continuous Flight. – A campus
38 police officer: (i) appointed by a campus law-enforcement agency established pursuant
39 to G.S. 116-40.5(a); (ii) appointed by a campus law enforcement agency established
40 under G.S. 115D-21.1(a); or (iii) commissioned by the Attorney General pursuant to
41 Chapter 74E or Chapter 74G of the General Statutes and employed by a college or
42 university which is licensed, or exempted from licensure, by G.S. 116-15 may arrest a
43 person outside his territorial jurisdiction when the person arrested has committed a
44 criminal offense within the territorial jurisdiction, for which the officer could have

1 arrested the person within that territory, and the arrest is made during such person's
 2 immediate and continuous flight from that territory."

3 **SECTION 8.** G.S. 160A-288(d) reads as rewritten:

4 "(d) For purposes of this section, the following shall be considered the equivalent
 5 of a municipal police department:

- 6 (1) Campus law-enforcement agencies established pursuant to
 7 G.S. 115D-21.1(a) or G.S. 116-40.5(a); and
- 8 (2) Colleges or universities which are licensed, or exempted from
 9 licensure, by G.S. 116-15 and which employ company police officers
 10 commissioned by the Attorney General pursuant to Chapter ~~74E~~; 74E
 11 or Chapter 74G of the General Statutes; and
- 12 (3) Law enforcement agencies operated or eligible to be operated by a
 13 municipality pursuant to G.S. 63-53(2)."

14 **SECTION 9.** G.S. 160A-288.2(d) reads as rewritten:

15 "(d) For the purposes of this section, the following shall be considered the
 16 equivalent of a municipal police department:

- 17 (1) Campus law-enforcement agencies established pursuant to
 18 G.S. 116-40.5(a); and
- 19 (2) Colleges or universities which are licensed, or exempted from
 20 licensure, by G.S. 116-15 and which employ company police officers
 21 commissioned by the Attorney General pursuant to Chapter ~~74E~~; 74E
 22 or Chapter 74G of the General Statutes."

23 **SECTION 10.** G.S. 14-401.6(a) reads as rewritten:

24 "**§ 14-401.6. Unlawful to possess, etc., tear gas except for certain purposes.**

25 (a) It is unlawful for any person, firm, corporation or association to possess, use,
 26 store, sell, or transport within the State of North Carolina, any form of that type of gas
 27 generally known as "tear gas," or any container or device for holding or releasing that
 28 gas; except this section does not apply to the possession, use, storage, sale or
 29 transportation of that gas or any container or device for holding or releasing that gas:

- 30 ...
- 31 (4) By or for security guards registered under Chapter 74C of the General
 32 ~~Statutes or Statutes~~, company police officers commissioned under
 33 Chapter 74E of the General Statutes, or campus police officers
 34 commissioned under Chapter 74G of the General Statutes provided
 35 they are on duty and have received training according to standards
 36 prescribed by the State Bureau of Investigation;

37"

38 **SECTION 11.** G.S. 20-37.6(f) reads as rewritten:

39 "(f) Penalties for Violation. –

40"

- 41 (3) A law-enforcement officer, including a company police officer
 42 commissioned by the Attorney General under Chapter ~~74E~~; 74E of the
 43 General Statutes, or a campus police officer commissioned by the
 44 Attorney General under Chapter 74G of the General Statutes, may

1 cause a vehicle parked in violation of this section to be towed. The
2 officer is a legal possessor as provided in G.S. 20-161(d)(2). The
3 officer shall not be held to answer in any civil or criminal action to any
4 owner, lienholder or other person legally entitled to the possession of
5 any motor vehicle removed from a space pursuant to this section,
6 except where the motor vehicle is willfully, maliciously, or negligently
7 damaged in the removal from the space to a place of storage.

8 "

9 **SECTION 12.** When this act becomes law, all certificates issued to police
10 agencies at private institutions of higher education and commissions issued to their
11 police officers pursuant to Chapter 74E of the General Statutes shall automatically
12 convert to certification and commissions issued pursuant to this act and shall be
13 administered in conformity with this act. Notwithstanding any of the provisions of
14 Chapter 74G of the General Statutes, as enacted by this act, or the provisions of Chapter
15 74E of the General Statutes, the board of trustees of any educational institution that, on
16 the effective date of this act, has a company police agency licensed pursuant to Chapter
17 74E of the General Statutes, may elect to continue to have its officers certified under
18 Chapter 74E of the General Statutes rather than pursuant to Chapter 74G of the General
19 Statutes, as enacted by this act, by making a written request to the Attorney General no
20 later than October 1, 2005.

21 **SECTION 13.** This act is effective when it becomes law.