

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 583

Short Title: Law Enforcement on Interstate Highways. (Public)

Sponsors: Senator Apodaca.

Referred to: Judiciary I.

April 14, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW ONLY STATE LAW ENFORCEMENT AGENCIES TO CONDUCT ENFORCEMENT OPERATIONS ON AN INTERSTATE HIGHWAY UNLESS A LOCAL LAW ENFORCEMENT AGENCY HAS RECEIVED A REQUEST FOR ASSISTANCE FROM A STATE LAW ENFORCEMENT AGENCY OR THE LOCAL LAW ENFORCEMENT AGENCY IS RESPONDING TO AN EMERGENCY SITUATION OR INVESTIGATING A CRASH.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-114 reads as rewritten:

"§ 20-114. Duty of officers; manner of enforcement.

(a) For the purpose of enforcing the provisions of this Article, it is hereby made the duty of every police officer of any incorporated city or village, and every sheriff, deputy sheriff, and all other lawful officers of any county to arrest within the limits of their jurisdiction jurisdiction, except upon those streets or highways designated as interstate highway routes, any person known personally to any such officer, or upon the sworn information of a creditable witness, to have violated any of the provisions of this Article, and to immediately bring such offender before any magistrate or officer having jurisdiction, and any such person so arrested shall have the right of immediate trial, and all other rights given to any person arrested for having committed a misdemeanor. Every officer herein named who shall neglect or refuse to carry out the duties imposed by this Chapter shall be liable on his official bond for such neglect or refusal as provided by law in like cases.

(b) It shall be the duty of all sheriffs, police officers, deputy sheriffs, deputy police officers, and all other officers within the State to cooperate with and render all assistance in their power to the officers herein provided for, and nothing in this Article shall be construed as relieving said sheriffs, police officers, deputy sheriffs, deputy police officers, and other officers of the duties imposed on them by this Chapter.

(c) It shall also be the duty of every law enforcement officer to make immediate report to the Commissioner of all motor vehicles reported to the officer as abandoned or that are seized by the officer for being used for illegal transportation of alcoholic beverages or other unlawful purposes, or seized and are subject to forfeiture pursuant to G.S. 20-28.2, et seq., or any other statute, and no motor vehicle shall be sold by any sheriff, police or peace officer, or by any person, firm or corporation claiming a mechanic's or storage lien, or under judicial proceedings, until notice on a form approved by the Commissioner shall have been given the Commissioner at least 20 days before the date of such sale.

(d) Notwithstanding the provisions of subsection (a) of this section related to enforcement of this Article on streets or highways designated as interstate highway routes, a local law enforcement officer shall enforce the provisions of this Article if the officer (i) has



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1 been requested to assist a State law enforcement officer in the enforcement of the provisions of
2 this Article, (ii) is responding to an emergency situation within the officer's territorial
3 jurisdiction, or (iii) is investigating a crash within the officer's territorial jurisdiction."

4 **SECTION 2.** This act is effective when it becomes law. Prosecutions for offenses
5 committed before the effective date of this act are not abated or affected by this act, and the
6 statutes that would be applicable but for this act remain applicable to those prosecutions.