

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 257

AMENDMENT NO. A5
(to be filled in by
Principal Clerk)

S257-ASA-40 [v.3]

Page 1 of 2

Amends Title [NO]
Second Edition

Date _____, 2017

Senator Randleman

1 moves to amend the bill on page 239, lines 2-3
2 by inserting the following between those lines:

3 "(b1) In addition to the authority granted in subsection (b) of this section or elsewhere,
4 alcohol law enforcement agents have the authority to enforce criminal laws under any of the
5 following circumstances:

6 (1) When they have probable cause to believe that a person has committed a
7 criminal act in their presence and at the time of the violation they are
8 engaged in the enforcement of laws otherwise within their jurisdiction.

9 (2) When they are asked to provide temporary assistance by the head of a State
10 or local law enforcement agency or the head of the agency's designee.

11 When acting pursuant to subdivision (2) of this subsection, the alcohol law enforcement
12 agent shall not be considered an officer, employee, or agent of the State or local law
13 enforcement agency or designee asking for temporary assistance. Nothing in this section shall
14 be construed to expand the alcohol law enforcement agents' authority to initiate or conduct an
15 independent investigation into violations of criminal laws outside the scope of their subject
16 matter jurisdiction.";

17
18 And on page 239, lines 12-17

19 By rewriting those lines to read:

20 "SECTION 16.1.(e) G.S. 18B-501 reads as rewritten:

21 "§ 18B-501. Local ABC officers.

22 ...

23 (b) Subject Matter Jurisdiction. – After taking the oath prescribed for a peace officer, a
24 local ABC officer may arrest and take other investigatory and enforcement actions for any
25 ~~eriminal offense; however, the primary responsibility of a local ABC officer is enforcement~~
26 ~~of offense related to the ABC laws and Article 5 of Chapter 90 (The Controlled Substances~~
27 ~~Act); laws.~~

28 (b1) In addition to the authority granted in subsection (b) of this section or elsewhere, local
29 ABC officers have the authority to enforce criminal laws under any of the following
30 circumstances:



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- 1 (1) When they have probable cause to believe that a person has committed a
2 criminal act in their presence and at the time of the violation they are
3 engaged in the enforcement of laws otherwise within their jurisdiction.
4 (2) When they are asked to provide temporary assistance by the head of a State
5 or local law enforcement agency or the head of the agency's designee.
6 When acting pursuant to subdivision (2) of this subsection, the local ABC officer shall not
7 be considered an officer, employee, or agent of the State or local law enforcement agency or
8 designee asking for temporary assistance. Nothing in this section shall be construed to expand
9 the local ABC officers' authority to initiate or conduct an independent investigation into
10 violations of criminal laws outside the scope of their subject matter or territorial jurisdiction.
11 ".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**