

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 138

Short Title: Sheriff's Liability/Deputy's Act.

(Public)

Sponsors: Representative Dawkins.

Referred to: Judiciary.

February 2, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY A SHERIFF'S PERSONAL LIABILITY FOR THE ACTS OF
3 HIS DEPUTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. A new section is added to Chapter 162 of the General Statutes to
6 read:

7 "**§ 162.26. Responsibility for act of deputy.**

8 The sheriff shall have personal liability for an act performed by his deputy only if
9 the act was:

- 10 (1) Within the actual scope and course of the deputy's employment and in
- 11 furtherance of his authorized duties as a deputy; or
- 12 (2) Performed at the direction or command of the sheriff or done in
- 13 accordance with the written policy of the Department; or
- 14 (3) Performed with the sheriff's personal participation in the act or his
- 15 later ratification of such act.

16 Provided, however, that the sheriff shall have no personal liability for an act of his
17 deputy where such deputy was acting contrary to a direct order of the sheriff. Nothing
18 herein shall limit the liability of the county for the negligence or the willful acts of
19 employees of the county, including the sheriff and his deputies. Anything to the
20 contrary notwithstanding, this section shall not apply to actions for amercements
21 pursuant to law."

22 Sec. 2. This act is effective upon ratification.