

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 782
SENATE BILL 828

AN ACT TO ENHANCE ENFORCEMENT OF THE CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 90 of the General Statutes is hereby amended by adding a new section, G.S. 90-95.2, to read as follows:

"§ 90-95.2. **Cooperation between law enforcement agencies.** — (a) The head of any law enforcement agency may temporarily provide assistance to another agency in enforcing the provisions of this Article, if so requested in writing by the head of the other agency. The assistance may comprise allowing officers of the agency to work temporarily with officers of the other agency (including in an undercover capacity) and lending equipment and supplies. While working with another agency under the authority of this section, an officer shall have the same jurisdiction, powers, rights, privileges, and immunities as the officers of the requesting agency, in addition to those he normally possesses. While on duty with the other agency, he shall be subject to the lawful operational commands of his superior officers in the other agency, but he shall for personnel and administrative purposes remain under the control of his own agency, including for purposes of pay. He shall furthermore be entitled to workmen's compensation when acting pursuant to this section to the same extent as though he were functioning within the normal scope of his duties.

(b) As used in this section:

- (1) 'Head' means any director or chief officer of a law enforcement agency, including the chief of police of a local police department and the sheriff of a county, or an officer of the agency to whom the head of the agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.
- (2) 'Law enforcement agency' means any State or local agency, force, department, or unit responsible for enforcing criminal laws in this State, including any local police department or sheriff's department.

(c) This section in no way reduces the jurisdiction or authority of State law enforcement officers."

Sec. 2. Article 5 of Chapter 90 of the General Statutes is hereby amended by adding a new section, G.S. 90-95.3, to read as follows:

"§ 90-95.3. **Restitution to law enforcement agencies for undercover buys.** — When any person is convicted of an offense under this Article, the court may order him to make restitution to any law enforcement agency for reasonable expenditures made in purchasing controlled substances from him or his agent as part of an investigation leading to his conviction."

Sec. 3. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.