

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 440*

Short Title: N.C. National Guard Authority/AB.

(Public)

Sponsors: Senators Plyler and Conder.

Referred to: Judiciary.

March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE POWERS AND AUTHORITY OF THE NORTH CAROLINA NATIONAL GUARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 127A-149 reads as rewritten:

"§ 127A-149. Power of arrest in certain emergencies.

~~In the event members of the North Carolina national guard or State defense militia are called out by the Governor pursuant to the authority vested in him by the Constitution, they shall have such power of arrest as may be reasonably necessary to accomplish the purpose for which they have been called out.~~

While in active service of the State during a natural disaster or civil disturbance, or imminent danger thereof, or while performing assigned duties as a member of the Joint Counterdrug Task Force, members of the North Carolina national guard shall, unless otherwise restricted by the executive orders or regulations or the orders of their commander, have all of the powers and authority of peace officers, including the powers to make arrests, to perform searches and seizures, to execute criminal warrants, and to exercise any other powers and duties of law enforcement officers as are reasonably necessary to preserve the lives, property, and security of persons in the subject civil jurisdiction, or to participate in drug interdiction and counterdrug activities as authorized

1 by 32 U.S.C. § 112, all in accordance with the laws and constitutions of North Carolina
2 and the United States of America."

3 Section 2. G.S. 127A-150(b) reads as rewritten:

4 "(b) Whenever members of the North Carolina national guard or State defense
5 militia are called upon to execute the laws, engage in disaster relief, suppress or prevent
6 actual or threatened riot or insurrection, repel invasion, apprehend or ~~disburse~~disperse
7 any sniper, rioters, mob or unlawful assembly, or participate in drug interdiction and
8 counterdrug activities as authorized by 32 U.S.C. § 112, they shall have the immunities of
9 a law-enforcement officer."

10 Section 3. This act is effective when it becomes law.