

SUBJECT:	JURISDICTION
-----------------	---------------------

BUREAU CREATED; POWER AND DUTIES

To secure a more effective administration of the criminal laws of the state, to prevent crime, and to procure the speedy apprehension of criminals, the Attorney General shall set up in the Department of Justice a division to be designated as the State Bureau of Investigation. The Division shall have charge of and administer the agencies and activities herein set up for the identification of criminals, for their apprehension, for the specific analysis of evidence of crime, and for investigation and preparation of evidence to be used in criminal courts; and the said Bureau shall have charge of the investigation of criminal matters herein especially mentioned and of such other crimes and criminal procedures as the Governor may direct. (G.S. 114-12)

DIRECTOR OF THE BUREAU; PERSONNEL

The Attorney General shall appoint a Director of the Bureau of Investigation, who shall serve at the will of the Attorney General, and whose salary shall be fixed by the Department of Administration under S. 143-36 et seq. He or she may further appoint a sufficient number of assistants and stenographic and clerical help, who shall be competent and qualified to do the work of the Bureau. The salaries of such assistants shall be fixed by the Department of Administration under G.S. 143-36 et seq. The salaries of clerical and stenographic help shall be the same as now provided for similar employees in other state departments and bureaus. (G.S. 114-13)

GENERAL POWERS AND DUTIES OF DIRECTOR AND ASSISTANTS

The Director of the Bureau and his or her assistants are given the same power of arrest as is now vested in the sheriffs of the several counties, and their jurisdiction shall be statewide. The Director of the Bureau and his or her assistants shall, at the request of the Governor, give assistance to sheriffs, police officers, district attorneys, and judges when called upon by them and so directed. They shall also give assistance when requested to the Office of the Department of Correction in the investigation of cases pending before the parole office and of complaints lodged against parolees, when so directed by the Governor. (G.S. 114-14)

SUBJECT:	JURISDICTION
-----------------	---------------------

TRANSFER OF PERSONNEL

The Director of the State Bureau of Investigation shall have authority to transfer members of the Bureau from one locality in the state to another as he or she may deem necessary. When any member of the State Bureau of Investigation is transferred from one point to another for the convenience of the state, or otherwise than upon the request of the employee, the Bureau shall be responsible for transporting the household goods, furniture, and personal effects of the employee and members of his or her household.
(G.S. 114-14.1)

INVESTIGATIONS OF LYNCHING, MOB VIOLENCE, AND ELECTION LAWS

The Bureau, through its Director and upon request of the Governor, shall investigate and prepare evidence in the event of any lynching or mob violence in the state and shall investigate all cases arising from frauds in connection with elections when requested to do so by the Board of Elections and when so directed by the Governor.
(G.S. 114-15)

The State Board of Elections and the district attorneys are authorized to call upon the Attorney General to furnish assistance by the State Bureau of Investigation in making investigations of violations of Article 22 of Chapter 163 of the North Carolina General Statutes, Corrupt Practices and other Offenses against the Elective Franchise. (G.S. 163-278)

INVESTIGATIONS OF SOCIAL SECURITY FRAUD, GAMING, AND LOTTERY

The Bureau is authorized further, at the request of the Governor, to investigate cases of frauds arising under the Social Security Laws of the state, violations of the gaming laws and lottery laws, and matters of similar kind. In all such cases it shall be the duty of the Department to keep such records as may be necessary and to prepare evidence in the cases investigated for the use of enforcement officers and for the trial of causes. (G.S. 114-15)

INVESTIGATIONS UPON CALL OF THE ENFORCEMENT OFFICERS OF THE STATE

The services of the Director of the Bureau and of his or her assistants may be required by the Governor in connection with the investigation of any crime

SUBJECT:	JURISDICTION
-----------------	---------------------

committed anywhere in the state when called upon by the enforcement officers of the state, and when, in the judgment of the Governor, such services may be rendered with advantage to the enforcement of the criminal law. (G.S. 114-15)

ORIGINAL JURISDICTION IN ARSON, DAMAGE, THEFT, AND MISUSE OF STATE PROPERTY

The State Bureau of Investigation is hereby authorized to investigate without request the attempted arson of, or arson of, damage of, theft from, or theft of, or misuse of any state-owned personal property, buildings, or other real property. (G.S. 114-15)

ORIGINAL JURISDICTION IN ASSAULTS OR THREATS AGAINST LEGISLATORS, GOVERNOR, AND OTHER OFFICIALS

The Bureau is authorized to investigate without request any assault upon or threats against a North Carolina State Senator, North Carolina State Representative, Governor, Lieutenant Governor, private secretaries for the Governor, Secretary of State, State Auditor, State Treasurer, State Attorney General, Superintendent of Public Instruction, the members of the Governor's Council, Commissioner of Agriculture, and the Commissioner of Insurance. (G.S. 114-15)

GUBERNATORIAL APPOINTMENT BACKGROUND INVESTIGATIONS

The Bureau also is authorized at the request of the Governor to conduct a background investigation on a person that the Governor plans to nominate for a position that must be confirmed by the General Assembly, the Senate, or the House of Representatives. The background investigation of the proposed nominee shall be limited to an investigation of the person's criminal record, educational background, employment record, records concerning the listing and payment of taxes, and credit record, and to a requirement that the person provide the information contained in the statements of economic interest required to be filed by persons subject to Executive Order Number 1, filed on January 31, 1985, as contained on pages 1405 through 1419 of the 1985 Session Laws (First Session, 1985). (G.S. 114-15)

INVESTIGATIONS OF SECRET SOCIETIES, ETC.

The Bureau is authorized, upon request of the Governor or the Attorney General, to

SUBJECT:	JURISDICTION
-----------------	---------------------

investigate the commission or attempted commission of the following crimes: G.S. 14-12.3 Certain Secret Societies Prohibited; G.S. 14-12.4 Use of signs, grips, passwords, disguises, taking or administering oath for illegal purposes; G.S. 14-12.5 Permitting, etc., meetings or demonstrations of prohibited secret societies; G.S. 14-12.6 Meeting places and meetings of secret societies regulated; G.S. 14-12.7 Wearing of masks, hoods, etc., on public ways; G.S. 14-12.8 Wearing of masks, hoods, etc., on public property; G.S. 14-12.9 Entry, etc., upon premises of another while wearing masks, hoods or other disguise; G.S. 14-12.10 Holding meetings or demonstrations while wearing masks, hoods, etc.; G.S. 14-12.12 Placing burning or flaming cross on property of another or on public street or highway; G.S. 14.12.13 Placing exhibit with intention of intimidating, etc., another; G.S. 14-12.14 Placing exhibit while wearing mask, hood or other disguise; G.S. 14-277.1 Communicating threats; G.S. 14-277.2 Weapons at parades, etc., prohibited; G.S. 14-283 Exploding dynamite cartridges and bombs; G.S. 14-284 Keeping for sale or selling explosive without a license; G.S. 14-284.1 Regulation of sale of explosives; report; storage; G.S. 14-288.2 Riots; inciting to riot; G.S. 14-288.7 Transporting dangerous weapon or substance during emergency; possessing off premises; G.S. 14-288.8 Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery or acquisition of weapon of mass death and destruction; and G.S. 14-288.20 Certain weapons at civil disorders. (G.S. 114-15)

CONFIDENTIALITY OF SBI RECORDS

All records of criminal investigations, evidence collected, and intelligence records compiled by the Director of the Bureau and his or her assistants shall not be considered public records within the meaning of G.S. 132-1.4 and following of the General Statutes of North Carolina and may be made available to the public only upon an order of a court of competent jurisdiction. Provided that all records and evidence collected and compiled by the Director of the Bureau and his or her assistants shall, upon request, be made available to the district attorney of any district if the same concerns persons or investigations in the district. (G.S. 114-15)

PUBLIC RECORDS

Notwithstanding the language of the statute unless otherwise prohibited by law the following is public record:

- A. The time, date, location and nature of an apparent violation of the law

SUBJECT:	JURISDICTION
-----------------	---------------------

reported to a law enforcement agency.

- B. The name, sex, age, address, employment, and alleged violation of law of a person arrested, charged, or indicted.
- C. The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons, or pursuit, and a description of any items seized in connection with the arrest.
- D. The contents of "911" and other emergency telephone calls received by law enforcement agencies, except for contents that reveal the name, address, telephone number, or other information that may identify the caller, victim, or witness.
- E. The contents of communications between or among employees of public law enforcement agencies that are broadcast over public airways.
- F. The name, sex, age and address of a complaining witness. A law enforcement agency shall temporarily withhold the name or address of a complaining witness, if release of the information is reasonably likely to pose a threat to the mental or physical health or personal safety of the complaining witness.
- G. This information may also be temporarily withheld if it is reasonably likely that the release will materially compromise a continuing or future criminal investigation or criminal intelligence operation.
- H. These specific records are public records unless sealed by a court order: returned search warrants, returned arrest warrants, indictments, criminal summons, and non-testimonial identification orders.
- I. Records of the investigation of alleged child abuse is governed by G.S. 7A-675.

WITNESS FEES AND MILEAGE

In all cases where the cost is assessed against the defendant and paid by him or her, there shall be assessed in the bill of cost, mileage, and witnesses fees to the Director and any of his

SUBJECT:	JURISDICTION
-----------------	---------------------

or her assistants who are witnesses in cases arising in courts of this state. The fees so assessed, charged and collected shall be forwarded by the clerks of the court to the Treasurer of the State of North Carolina and there credited to the Bureau of Identification and Investigation Fund. (G.S. 114-15)

REPORTING ARSON, DAMAGE, THEFT, EMBEZZLEMENT OR MISUSE OF STATE PROPERTY

- A. Any person employed by the State of North Carolina, its agencies or institutions, who receives any information or evidence of an attempted arson, or arson, damage of, theft from, or theft of, or embezzlement from, or embezzlement of, or misuse of, any state-owned personal property, buildings or other real property, shall as soon as possible, but not later than 3 days from receipt of the information or evidence, report such information or evidence to his or her immediate supervisor, who shall in turn report such information or evidence to the head of the respective department, agency, or institution. The head of any department, agency, or institution receiving such information or evidence shall, within a reasonable time but no later than 10 days, report such information in writing to the Director of the State Bureau of Investigation. Upon receipt or notification of information as provided for in this section, the State Bureau of Investigation shall, if appropriate, conduct an investigation. The employees of all state departments, agencies, and institutions are hereby required to cooperate with the State Bureau of Investigation, its officers and agents, as far as may be possible, in aid of such investigation. If such investigation reveals a possible violation of the criminal laws, the results thereof shall be reported by the State Bureau of Investigation to the district attorney of any district if the same concerns persons or offenses in the district. (G.S. 114-15.1)
- B. The Special Agent in Charge of Professional Standards is charged with the responsibility of coordinating all reports made to the SBI under the provisions of this statute. All reports, including any correspondence, reports, and memorandums, will be forwarded immediately to the Special Agent in Charge of Professional Standards. All investigations made pursuant to this statute will be coordinated through the Professional Standards Section. The Special Agent in Charge of Professional Standards will keep a log of all reports made to the SBI.

LABORATORY FACILITIES AND PERSONNEL

SUBJECT:	JURISDICTION
-----------------	---------------------

In the said Bureau there shall be provided laboratory facilities for the analysis of evidence of crime, including the determination of presence, quantity and character of poisons; the character of bloodstains, microscopic and other examination material associated with the commission of crime; examination and analysis of projectiles of ballistic imprints and records which might lead to the determination or identification of criminals; the examination and identification of fingerprints and other evidence leading to the identification, apprehension, or conviction of criminals. A sufficient number of persons skilled in such matters shall be employed to render a reasonable service to the prosecuting officers of the state in the discharge of their duties. In the personnel of the Bureau shall be included a sufficient number of persons of training and skill in the investigation of crime and in the preparation of evidence as to be of service to local enforcement officers, under the direction of the Governor, in criminal matters of major importance. The laboratory and clinical facilities of the institutions of the state, both educational and departmental, shall be made available to the Bureau, and scientists and doctors now working for the state through its institutions and departments may be called upon by the Governor to aid the Bureau in the evaluation, preparation and preservation of evidence in which scientific methods are employed, and a reasonable fee may be allowed by the Governor for such service.

STATE RADIO SYSTEM

The State radio system shall be made available to the Bureau for use in its work. (G.S.114-16)

COOPERATION OF LOCAL ENFORCEMENT OFFICERS

All local enforcement officers are hereby required to cooperate with the said Bureau, its officers and agents, as far as may be possible, in aid of such investigations and arrest and apprehension of criminals as the outcome thereof. (G.S. 114-17)

COOPERATION OF THE DIVISION OF MOTOR VEHICLES

Notwithstanding any of the provisions of Chapter 20 of the North Carolina General Statutes, it shall be lawful for the North Carolina Commissioner of Motor Vehicles to cooperate with the Director of the North Carolina State Bureau of Investigation to the extent necessary to provide special agents of the North Carolina State Bureau of Investigation on special undercover assignments with motor vehicle operator's licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. If such motor vehicle

SUBJECT:	JURISDICTION
-----------------	---------------------

operator's licenses or motor vehicle registration plates are issued pursuant to this section, the Director of the North Carolina State Bureau of Investigation shall be responsible for the use thereof and shall upon request of the North Carolina Commissioner of Motor Vehicles immediately return such motor vehicle operator's licenses or motor vehicle registration plates for cancellation. (G.S.114-17.1)

CENTRAL PRISON IDENTIFICATION BUREAU

The records and equipment of the Identification Bureau at Central Prison shall be made available to the Bureau of Investigation, and the activities of the Identification Bureau may, in the future, if the Governor deems advisable, be carried on by the Bureau hereby established; except that the Bureau established by this article shall have the authority to make rules and regulations whereby the photographing and fingerprint of persons confined in the Central Prison, or clearing through the Central Prison, or sentenced by any of the courts of this state to service upon the roads, may be taken and filed with the Bureau. (G.S. 114.18)

CRIMINAL STATISTICS

It shall be the duty of the State Bureau of Investigation to receive and collect police information; to assist in locating, identifying, and keeping records of criminals in the state and from other states; to compare, classify, compile, publish, make available, and disseminate any and all such information to the sheriffs, constables, police authorities, courts, or any other officials of the state requiring such criminal identification, crime statistics, and other information respecting crimes local and national; to conduct surveys and studies for the purpose of determining so far as is possible the source of any criminal conspiracy, crime wave, movement, or cooperative action on the part of the criminals, reporting such conditions; and to cooperate with all officials in detecting and preventing criminal activity.

FEES FOR CERTAIN BACKGROUND REPORTS

When the Department of Justice determines that any person is entitled by law to receive information, including criminal records, from the State Bureau of Investigation for the purpose other than the administration of criminal justice, the Bureau shall charge the recipient of such information a reasonable fee. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information, and may be budgeted for the support of the State Bureau of Investigation. In this section, "administration of criminal justice" means performing any of the following activities: detection, apprehension, detention,

SUBJECT:	JURISDICTION
-----------------	---------------------

pre-trial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of persons suspected of, accused of, or convicted of a criminal offense. The term also includes screening for suitability for employment, appointment or retention of a person as a law enforcement officer or criminal justice officer, or as any officer of the court, or for suitability for appointment of a person who must be appointed or confirmed by the General Assembly, the Senate, or the House of Representatives. Nothing in this section shall be construed as enlarging any right to receive any record of the State Bureau of Investigation. Such rights are and shall be controlled by G.S. 114-15, G.S. 114-19, G.S. 120-19.4A, and other applicable statutes. (G.S. 114-19.1)

PROTECTION TO CERTAIN PUBLIC OFFICIALS

The North Carolina State Bureau of Investigation is authorized to provide protection to public officials who request it, and who, in the discretion of the Director of the Bureau with the approval of the Attorney General, demonstrate need for such protection. The Bureau shall not provide protection for any individual other than the Governor for a period greater than thirty days without review and re-approval by the Attorney General. This review and re-approval shall be required at the end of each thirty-day period. (G.S. 114.20)

DESIGNATE AREAS FOR PROTECTION

The Attorney General is authorized to designate buildings and grounds which constitute temporary residences or temporary offices of any public official being protected under authority of G.S. 114.20, or any area that will be visited by any such official, a public building or facility during the time of such use. The Attorney General or the Director of the State Bureau of Investigation may, with the request of the official to be protected, make rules governing ingress to or egress from such buildings, grounds, or areas designated under this section. (G.S. 114-20.1)

DIVISION OF CRIMINAL STATISTICS

- A. The Attorney General shall set up in the Department of Justice a Division of Criminal Statistics. There shall be assigned to this division by the Attorney General duties as follows: to collect and correlate information in criminal law administration, including crimes committed, arrests made, dispositions on preliminary hearings, prosecutions, convictions, acquittals, punishment, appeals, together with the age, race, and sex of

SUBJECT:	JURISDICTION
-----------------	---------------------

the offender, and such other information concerning crime and criminals as may appear significant or helpful. To correlate such information with the operations of agencies and institutions charged with the supervision of offenders on probation, in penal and correctional institutions, on parole and pardon, so as to show the volume, variety and tendencies of crime and criminals and the workings of successive links in the machinery set up for the administration of the criminal law in connection with the arrest, trial, punishment, probation, prison, parole, and pardon of all criminals in North Carolina. To collect, correlate, and maintain access to information that will assist in the performance of duties required of the administration of criminal justice throughout the state. This information may include, but is not limited to, motor vehicle registration, driver's licenses, wanted and missing persons, stolen property, warrants, stolen vehicles, firearms registration, drugs, drug users, and parole and probation histories. In performing this function, the division may arrange to use information available in other agencies and units of state, local, and federal government, but shall provide security measures to insure that such information shall be made available only to those with duties relating to the administration of justice who require such information. To make scientific study, analysis, and comparison from the information so collected and correlated with similar information gathered by federal agencies, and to provide the Governor and the General Assembly with the information so collected biennially, or more often if required by the Governor. To perform all the duties heretofore imposed by law upon the Attorney General with respect to criminal statistics. To perform such other duties as may be from time to time prescribed by the Attorney General. (G.S. 114-10)

- B. The Division of Criminal Statistics is authorized to establish, devise, maintain, and operate, under the control and supervision of the Attorney General, a system for receiving and disseminating to participating agencies information collected, maintained, and correlated under authority of G.S. 114-10 of this The Attorney General is authorized to cooperate with the Division of Motor Vehicles, Department of Administration, Department of Correction, and other state, local, and federal agencies and organizations in carrying out the purpose and intent of this section, and to utilize, in cooperation with other state agencies and to the extent as may be practical, computers and related equipment as may be operated by other state agencies. The Attorney General may call upon the Governor's Committee on Law and Order for advice and such other assistance that the Committee may be authorized to render. (G.S. 114-10.1)

SUBJECT:	JURISDICTION
-----------------	---------------------

- C. The Administrative Services Division is directed to provide crime data to the Director's Office, and all divisions. The publications *Crime in North Carolina*, the *Semi-Annual Report* and the *Summary Annual Report*, as well as other special reports, should be provided as soon as possible.
- D. The Assistant Director for the Administrative Services Division will annually survey recipients of the publication *Crime in North Carolina* to determine methods of improvement to maximize the effectiveness of the crime analysis information.

SPECIAL PROSECUTION DIVISION SBI'S LEGAL ADVISORS

There is hereby established in the Office of the Attorney General of North Carolina a Special Prosecution Division. The attorneys assigned to this Division shall be available to prosecute or assist in the prosecution of criminal cases when requested to do so by a district attorney and the Attorney General approves. In addition, these attorneys assigned to this Division shall serve as legal advisors to the State Bureau of Investigation and perform any other duties assigned to them by the Attorney General. (G.S. 114-11.6)

ORIGINAL JURISDICTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT

It is the duty of the Bureau to enforce all provisions of Article 5 of Chapter 90 of the North Carolina General Statutes, the North Carolina Controlled Substances Act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of laws of the United States, of this state, and all other states, relating to controlled substances. The North Carolina Department of Justice is authorized to make initial investigation of all violations of Article 5 and is given original but not exclusive jurisdiction in respect thereto with all other law enforcement officers of this state. (G.S. 90-113.5)

ORIGINAL JURISDICTION IN FIRE INVESTIGATIONS

The Attorney General, through the State Bureau of Investigation, and the fire department chief or chief of police where there is no fire department chief, in municipalities and towns, and the county fire marshal and the sheriff of the county, and the chief of the rural fire department where such fire occurs outside of a municipality, are hereby authorized to investigate the cause, origin, and circumstances of every fire occurring in such municipalities or counties in which property has been destroyed or damaged, and shall specifically make investigation whether the fire was the result of carelessness or design. A preliminary investigation shall be

SUBJECT:	JURISDICTION
-----------------	---------------------

made by the fire department chief or chief of police, where there is no fire department chief in the municipalities, and by the county fire marshal and the sheriff of the county or the chief of the rural fire department where such fire occurs outside of a municipality, and must be begun within three days, exclusive of Sunday, of the occurrence of the fire, and the Attorney General, through the State Bureau of Investigation, shall have the right to supervise and direct the investigation when he deems it expedient or necessary. The officer making the investigation of fire shall forthwith notify the Attorney General, and must within one week of the occurrence of the fire furnish to the Attorney General a written statement of all facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed, and such other information as is called for by the forms provided by the Attorney General. Departments capable of submitting the required information by the utilization of computers and related equipment, by means of an approved format of standard punch cards, magnetic tapes, or an approved telecommunications system, may do so in lieu of the submission of the written statement as provided for in this section. The Attorney General shall keep in his or her office a record of all reports submitted pursuant to this section. These reports shall at all times be open to public inspection. (G.S. 58-79-1)

INSURANCE COMPANY TO FURNISH INFORMATION

The chief of any municipal fire or police department, county fire marshal or sheriff, or special agent of the State Bureau of Investigation may request any insurance company investigating a fire loss of real or personal property to release any information in its possession relative to that loss. The company shall release the information and cooperate with any official authorized to request such information pursuant to this section. The information shall include but is not limited to: (1) any insurance policy relevant to a fire loss under investigation and any application for such a policy; (2) policy premium payment records; (3) history of previous claims made by the insured for fire loss; (4) material related to the investigation of the loss, including statements of any person, proof of loss, and any other relevant evidence. If an insurance company (or insurance agency) has reason to suspect that a fire loss of its insured's real or personal property was caused by incendiary means, the company shall furnish the State Bureau of Investigation all relevant material acquired during its investigation of the fire loss, cooperate with and take such action as may be requested of it by any law enforcement agency, and permit any person ordered by a court to inspect any of its records pertaining to the policy and the loss. In the absence of fraud or malice, no insurance company (or insurance agency), or person who furnishes information on its behalf, shall be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made or any other action that is necessary to supply information required pursuant to this section. The officials and

SUBJECT: JURISDICTION

filed with the Director of the State Bureau of Investigation within 10 days of its entry. Plans prepared under this Article are not "rules" within the meaning of Chapter 150B of the General Statutes or within the meaning of Article 6C of Chapter 120 of the General Statutes. (G.S. 15A-1383)

INVESTIGATIONS FOR THE JUDICIAL STANDARDS COMMISSION

- A. Any citizen of the state may file a written complaint with the Commission concerning the qualifications or conduct of any justice or judge of the General Court of Justice, and thereupon the Commission shall make such investigation as it deems necessary. The Commission may also make an investigation on its own motion. The Commission is authorized to issue process to compel the attendance of witnesses and the production of evidence, administer oaths, punish for contempt, and prescribe its own rules of procedure. No justice or judge shall be recommended for censure or removal without a hearing affording due process of law. Unless otherwise waived by the justice or judge involved, all papers filed with and proceedings before the Commission, including any preliminary investigation which the Commission may make, are confidential, except as provided herein. After the preliminary investigation is completed, and if the Commission concludes that formal proceedings should be instituted, the notice and complaint filed by the Commission, along with the answer and all other pleadings, are not confidential. Formal hearings the Commission orders are not confidential, and Commission recommendations to the Supreme Court, along with the record filed in support of such recommendations, are not confidential. Testimony and other evidence presented to the Commission is privileged in any action for defamation. At least five members of the Commission must concur in any recommendation to censure or remove any justice or judge. A respondent who is recommended for censure or removal is entitled to a copy of the proposed record to be filed with the Supreme Court, and if he has objections to it, to have the record settled by the Commission. He is also entitled to present a brief and to argue his or her case, in person and through counsel, to the Supreme Court. A majority of the members of the Supreme Court voting must concur in any order of censure or removal. The Supreme Court may approve the recommendation, remand for further proceedings, or reject the recommendation. A justice of the Supreme Court or a member of the Commission who is a judge is disqualified from acting in any case in which he is a respondent.

- B. The Commission is authorized to employ an executive secretary to assist it in carrying

SUBJECT:	JURISDICTION
-----------------	---------------------

evidence following a notification by the Director of a County Department of Social Services, pursuant to G.S. 7B-302, that the Director's initial investigation of a report of abuse in a day care facility reveals that sexual abuse may have occurred. (G.S. 114-15.3)

(revised 07/11/03)

INVESTIGATIONS OF LITTERING, DUMPING OF TOXIC SUBSTANCES, SOLID WASTE MANAGEMENT, WATER AND AIR RESOURCES, AND AIR POLLUTION CONTROL

- A. It shall be the duty of all law enforcement officers to enforce the provisions of G.S. 14-399 Littering. (G.S. 14-399[j])
- B. The Bureau is authorized, upon request of the Governor or the Attorney General, to investigate the commission or attempted commission of the following crimes: G.S. 14-284.2 Dumping of toxic substances; G.S. 14-399(e) Littering in any amount exceeding 500 pounds or 100 cubic feet or in any quantity for commercial purposes, or dumping litter which is a hazardous waste as defined in G.S. 130A-290; G.S. 130A-26.1 Criminal violations related to solid waste management; G.S. 143-215.6B and G.S. 143-215.88B Enforcement procedures and criminal penalties related to water and air resources; and G.S. 143-215.114B Enforcement procedures and criminal penalties related to air pollution control. (G.S. 114-15)

REPORTING MISUSE OF COMMERCIAL AND SPORTS LICENSE FEES

The Secretary of the Department of Environment and Natural Resources shall commission such persons as in his or her discretion he deems necessary to be license agents for the Department. Such agents, together with the Department, shall have the authority and duty to sell all licenses provided for by this Article. The Secretary shall report evidence of misuse of State property, including license fees, by a license agent to the State Bureau of Investigation as provided by G.S. 114-15.1. (G.S. 113-151.1)

FICTITIOUS DRIVER'S LICENSES AND REGISTRATION PLATES

The Commissioner of Motor Vehicles, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide local, state, or federal law enforcement officers on special undercover assignments with motor vehicle driver's licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. Such

SUBJECT:	JURISDICTION
-----------------	---------------------

registration plates shall only be used on publicly owned or leased vehicles. Requests for these licenses and registration plates shall be made to the Commissioner by the head of the local, state, or federal law enforcement agency and be accompanied by approval in writing from the Director of the SBI upon a specific finding by the Director that the request is justified and necessary. The Director shall keep a record of all such licenses, registration plates, assumed names, false or fictitious addresses, and law enforcement officers using the licenses or registration plates, and shall request the immediate return of any license or registration plate that is no longer necessary. Licenses and registration plates provided under this subsection shall expire six months after initial issuance or subsequent validation after the request for extension has been approved in writing by the Director of the SBI. The head of the local, state, or federal law enforcement agency shall be responsible for the use of the licenses and registration plates and shall return them immediately to the Commissioner for cancellation upon either (i) their expiration, (ii) request of the Director of the SBI, or (iii) request of the Commissioner. Failure to return a license or registration plate issued pursuant to this subsection shall be punished as a general misdemeanor. At no time shall the number of valid licenses and registration plates issued under this act exceed 100, and those issued shall be strictly monitored by the Director. All of the private registration plates issued to special agents of the State Bureau of Investigation under the Department of Justice and to Alcohol Law Enforcement agents under the Department of Crime Control and Public Safety, pursuant to G.S. 14-250, may be fictitious plates and shall not be counted in the total number of fictitious plates authorized by this subsection. (G.S. 20-39[h])

REPORTING CERTAIN DRUG ARRESTS

- A. Every local law enforcement agency and every state law enforcement agency shall, within 48 hours after making an arrest of an individual in possession of more than 42.5 grams of marijuana, 7 or more grams of any other controlled substance or counterfeit controlled substance that is sold by weight, or 10 or more dosage units of any other controlled substance or counterfeit controlled substance that is not sold by weight, upon which a North Carolina controlled substance tax stamp is not affixed, report the arrest to the North Carolina Department of Revenue. The report, to be in the form prescribed by the Secretary of Revenue, shall include the time and place of the arrest or seizure; the amount, location, and kind of the substance; the identification, including the social security number, of any individual in possession of the substance; and any other information prescribed by the Secretary of Revenue.

SUBJECT: JURISDICTION

- B. The following definitions apply in this section:
1. Controlled Substance, according to G.S. 90-87.
 2. Counterfeit Controlled Substance, according to G.S. 90-87.
 3. Local Law Enforcement Agency: a municipal police department, a county police department, or a sheriff's department.
 4. State Law Enforcement Agency: any state agency, force, department, or unit responsible for enforcing criminal laws (G.S. 114-18.1).

REFERRALS

The North Carolina State Bureau of Investigation is an assisting agency. It shall be the responsibility of each Bureau employee to assist individuals requesting assistance which requires the services provided by another Criminal Justice Agency or Social Service Agency in a manner to ensure the individual receives the appropriate referral in a timely manner. Inquiries made of employees should be referred to the proper agency on a case by case basis.

JUVENILE POLICY

It shall be the duty of the agents of the State Bureau of Investigation to ensure the safety, security, and welfare of juveniles that are the subject of Bureau arrest or investigations. It shall be the duty of Bureau agents and staff members to abide by the provisions of the North Carolina Juvenile Codes. (G.S. 7B-100 et al. North Carolina Criminal Law and Procedure)
(revised 07/11/03)