

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 147

Short Title: Traffic Law Enforcement Statistics. (Public)

Sponsors: Senators Ballance; Kinnaird, Lucas, Martin of Guilford, and Shaw of Cumberland.

Referred to: Judiciary II.

February 14, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE COLLECTION OF TRAFFIC LAW
3 ENFORCEMENT STATISTICS ON STOPS MADE BY CERTAIN LOCAL LAW
4 ENFORCEMENT AGENCIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 114-10(2a) reads as rewritten:

7 "(2a) To collect, correlate, and maintain the following information regarding
8 traffic law enforcement by ~~State~~ law enforcement officers:

- 9 a. The number of drivers stopped for routine traffic enforcement
10 by ~~State~~ law enforcement officers, the officer making each stop,
11 the date each stop was made, the agency of the officer making
12 each stop, and whether or not a citation or warning was issued;
- 13 b. Identifying characteristics of the drivers stopped, including the
14 race or ethnicity, approximate age, and gender;
- 15 c. The alleged traffic violation that led to the stop;
- 16 d. Whether a search was instituted as a result of the stop;
- 17 e. Whether the vehicle, personal effects, driver, or passenger or
18 passengers were searched, and the race or ethnicity,
19 approximate age, and gender of each person searched;
- 20 f. Whether the search was conducted pursuant to consent,
21 probable cause, or reasonable suspicion to suspect a crime,
22 including the basis for the request for consent, or the
23 circumstances establishing probable cause or reasonable
24 suspicion;
- 25 g. Whether any contraband was found and the type and amount of
26 any such contraband;

- 1 h. Whether any written citation or any oral or written warning was
2 issued as a result of the stop;
- 3 i. Whether an arrest was made as a result of either the stop or the
4 search;
- 5 j. Whether any property was seized, with a description of that
6 property;
- 7 k. Whether the officers making the stop encountered any physical
8 resistance from the driver or passenger or passengers;
- 9 l. Whether the officers making the stop engaged in the use of
10 force against the driver, passenger, or passengers for any
11 reason;
- 12 m. Whether any injuries resulted from the stop;
- 13 n. Whether the circumstances surrounding the stop were the
14 subject of any investigation, and the results of that
15 investigation; and
- 16 o. The geographic location of the stop; if the officer making the
17 stop is a member of the State Highway Patrol, the location shall
18 be the Highway Patrol District in which the stop was made; for
19 all other law enforcement officers, the location shall be the city
20 or county in which the stop was made.

21 For purposes of this subdivision, "law enforcement officer"

22 means:

- 23 1. All State law enforcement officers;
- 24 2. Law enforcement officers employed by county sheriffs
25 or county police departments;
- 26 3. Law enforcement officers employed by police
27 departments in municipalities with a population of
28 10,000 or more persons; and
- 29 4. Law enforcement officers employed by police
30 departments in municipalities employing five or more
31 full-time sworn officers for every 1,000 in population.

32 The information required by this subdivision need not be
33 collected in connection with impaired driving checks under G.S.
34 20-16.3A or other types of roadblocks, vehicle checks, or checkpoints
35 that are consistent with the laws of this State and with the State and
36 federal constitutions, except when those stops result in a warning,
37 search, seizure, arrest, or any of the other activity described in
38 sub-subdivisions d. through n. of this subdivision.

39 The identity of the law enforcement officer making the stop
40 required by sub-subdivision a. of this subdivision may be
41 accomplished by assigning anonymous identification numbers to each
42 officer in an agency. The correlation between the identification
43 numbers and the names of the officers shall not be a public record, and
44 shall not be disclosed by the agency except when required by order of

1 a court of competent jurisdiction to resolve a claim or defense properly
2 before the court."

3 **SECTION 2.** The Division of Criminal Statistics shall establish a procedure
4 and a schedule for the reporting of the information required by this act to the Division.
5 The Division shall print and supply all forms necessary for the collection of this
6 information and shall ensure that local governments providing the Division with this
7 information have the option of doing so by efficient means such as electronic
8 transmission or facsimile.

9 **SECTION 3.** This act becomes effective January 1, 2002, and applies to law
10 enforcement actions occurring on or after that date.