

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE DRH70089-MA-171 (02/28)

Short Title: Checking Stations Unlawful.

(Public)

Sponsors: Representative Bradley.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE ALL CHECKING STATIONS UNLAWFUL UNLESS THEY ARE
3 ESTABLISHED TO CAPTURE A PARTICULAR NAMED OFFENDER IN A
4 MANHUNT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-16.3A reads as rewritten:

7 "**§ 20-16.3A. Checking stations and ~~roadblocks~~.roadblocks unlawful.**

8 (a) ~~A law enforcement agency may conduct checking stations to determine compliance~~
9 ~~with the provisions of this Chapter. If the agency is conducting a checking station for the~~
10 ~~purposes of determining compliance with this Chapter, it must:~~

11 (1) ~~Repealed by Session Laws 2006-253, s. 4, effective December 1, 2006, and~~
12 ~~applicable to offenses committed on or after that date.~~

13 (2) ~~Designate in advance the pattern both for stopping vehicles and for~~
14 ~~requesting drivers that are stopped to produce drivers license, registration, or~~
15 ~~insurance information.~~

16 (2a) ~~Operate under a written policy that provides guidelines for the pattern, which~~
17 ~~need not be in writing. The policy may be either the agency's own policy, or~~
18 ~~if the agency does not have a written policy, it may be the policy of another~~
19 ~~law enforcement agency, and may include contingency provisions for~~
20 ~~altering either pattern if actual traffic conditions are different from those~~
21 ~~anticipated, but no individual officer may be given discretion as to which~~
22 ~~vehicle is stopped or, of the vehicles stopped, which driver is requested to~~
23 ~~produce drivers license, registration, or insurance information. If officers of~~
24 ~~a law enforcement agency are operating under another agency's policy, it~~
25 ~~must be stated in writing.~~

26 (3) ~~Advise the public that an authorized checking station is being operated by~~
27 ~~having, at a minimum, one law enforcement vehicle with its blue light in~~
28 ~~operation during the conducting of the checking station.~~

29 (b) ~~An officer who determines there is a reasonable suspicion that an occupant has~~
30 ~~violated a provision of this Chapter, or any other provision of law, may detain the driver to~~
31 ~~further investigate in accordance with law. The operator of any vehicle stopped at a checking~~
32 ~~station established under this subsection may be requested to submit to an alcohol screening~~
33 ~~test under G.S. 20-16.3 if during the course of the stop the officer determines the driver had~~
34 ~~previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The~~



1 officer so requesting shall consider the results of any alcohol screening test or the driver's
2 refusal in determining if there is reasonable suspicion to investigate further.

3 (c) ~~Law enforcement agencies may conduct any type of checking station or roadblock~~
4 ~~as long as it is established and operated in accordance with the provisions of the United States~~
5 ~~Constitution and the Constitution of North Carolina.~~

6 (d) ~~The placement of checkpoints should be random or statistically indicated, and~~
7 ~~agencies shall avoid placing checkpoints repeatedly in the same location or proximity. This~~
8 ~~subsection shall not be grounds for a motion to suppress or a defense to any offense arising out~~
9 ~~of the operation of a checking station.~~

10 It shall be unlawful for any law enforcement agency or officer to conduct a checking station
11 or roadblock unless the establishment of a checking station or roadblock is to cordon off an
12 area to locate an offender specifically named in an arrest warrant. Any other person passing
13 through the checking station or roadblock shall not be subject to arrest for any reason except
14 when:

15 (1) The person has an outstanding warrant for arrest.

16 (2) The person has committed an implied consent offense and has been warned
17 by a law enforcement officer at a checking station or roadblock not to
18 proceed and the person continues through the checking station in
19 contradiction to the warning."

20 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
21 offenses committed on or after that date.