

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 699

Short Title: Div. of Criminal Information (DCI) Changes. (Public)

Sponsors: Senator Stein.

Referred to: Judiciary II.

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE NAME OF THE DIVISION OF CRIMINAL INFORMATION;
3 TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO PROMULGATE
4 RULES FOR USAGE OF THE CRIMINAL INFORMATION NETWORK; AND TO
5 ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR
6 SET-UP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 3 of Chapter 114 of the General Statutes reads as rewritten:

9 "Article 3.

10 "Division of Criminal ~~Statistics~~Information.

11 **"§ 114-10. Division of Criminal ~~Statistics~~Information.**

12 The Attorney General shall set up in the Department of Justice a division to be designated
13 as the Division of Criminal ~~Statistics~~Information. There shall be assigned to this Division by
14 the Attorney General duties as follows:

15 (1) To collect and correlate information in criminal law administration,
16 including crimes committed, arrests made, dispositions on preliminary
17 hearings, prosecutions, convictions, acquittals, punishment, appeals, together
18 with the age, race, and sex of the offender, the necessary data to make a trace
19 regarding all firearms seized, forfeited, found, or otherwise coming into the
20 possession of any State or local law enforcement agency of the State that are
21 believed to have been used in the commission of a crime, and such other
22 information concerning crime and criminals as may appear significant or
23 helpful. To correlate such information with the operations of agencies and
24 institutions charged with the supervision of offenders on probation, in penal
25 and correctional institutions, on parole and pardon, so as to show the
26 volume, variety and tendencies of crime and criminals and the workings of
27 successive links in the machinery set up for the administration of the
28 criminal law in connection with the arrests, trial, punishment, probation,
29 prison parole and pardon of all criminals in North Carolina.

30 (2) To collect, correlate, and maintain access to information that will assist in
31 the performance of duties required in the administration of criminal justice
32 throughout the State. This information may include, but is not limited to,
33 motor vehicle registration, drivers' licenses, wanted and missing persons,
34 stolen property, warrants, stolen vehicles, firearms registration, sexual
35 offender registration as provided under Article 27A of Chapter 14 of the
36 General Statutes, drugs, drug users and parole and probation histories. In
37 performing this function, the Division may arrange to use information



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1 available in other agencies and units of State, local and federal government,
2 but shall provide security measures to insure that such information shall be
3 made available only to those whose duties, relating to the administration of
4 justice, require such information.

5 (2a) Recodified as G.S. 114-10.1 by Session Laws 2002-159, s. 18(a).

6 (3) To make scientific study, analysis and comparison from the information so
7 collected and correlated with similar information gathered by federal
8 agencies, and to provide the Governor and the General Assembly with the
9 information so collected biennially, or more often if required by the
10 Governor.

11 (4) To perform all the duties heretofore imposed by law upon the Attorney
12 General with respect to criminal statistics.

13 (5) To perform such other duties as may be from time to time prescribed by the
14 Attorney General.

15 (6) To promulgate rules and regulations for the administration of this Article.

16 **"§ 114-10.01. Collection of traffic law enforcement statistics.**

17 (a) In addition to the duties set forth in G.S. 114-10, the Division of Criminal ~~Statistics~~
18 Information shall collect, correlate, and maintain the following information regarding traffic
19 law enforcement by law enforcement officers:

20 (1) The number of drivers stopped for routine traffic enforcement by law
21 enforcement officers, the officer making each stop, the date each stop was
22 made, the agency of the officer making each stop, and whether or not a
23 citation or warning was issued.

24 (2) Identifying characteristics of the drivers stopped, including the race or
25 ethnicity, approximate age, and sex.

26 (3) The alleged traffic violation that led to the stop.

27 (4) Whether a search was instituted as a result of the stop.

28 (5) Whether the vehicle, personal effects, driver, or passenger or passengers
29 were searched, and the race or ethnicity, approximate age, and sex of each
30 person searched.

31 (6) Whether the search was conducted pursuant to consent, probable cause, or
32 reasonable suspicion to suspect a crime, including the basis for the request
33 for consent, or the circumstances establishing probable cause or reasonable
34 suspicion.

35 (7) Whether any contraband was found and the type and amount of any such
36 contraband.

37 (8) Whether any written citation or any oral or written warning was issued as a
38 result of the stop.

39 (9) Whether an arrest was made as a result of either the stop or the search.

40 (10) Whether any property was seized, with a description of that property.

41 (11) Whether the officers making the stop encountered any physical resistance
42 from the driver or passenger or passengers.

43 (12) Whether the officers making the stop engaged in the use of force against the
44 driver, passenger, or passengers for any reason.

45 (13) Whether any injuries resulted from the stop.

46 (14) Whether the circumstances surrounding the stop were the subject of any
47 investigation, and the results of that investigation.

48 (15) The geographic location of the stop; if the officer making the stop is a
49 member of the State Highway Patrol, the location shall be the Highway
50 Patrol District in which the stop was made; for all other law enforcement
51 officers, the location shall be the city or county in which the stop was made.

- 1 (b) For purposes of this section, "law enforcement officer" means any of the following:
- 2 (1) All State law enforcement officers.
- 3 (2) Law enforcement officers employed by county sheriffs or county police
- 4 departments.
- 5 (3) Law enforcement officers employed by police departments in municipalities
- 6 with a population of 10,000 or more persons.
- 7 (4) Law enforcement officers employed by police departments in municipalities
- 8 employing five or more full-time sworn officers for every 1,000 in
- 9 population, as calculated by the Division for the calendar year in which the
- 10 stop was made.

11 (c) The information required by this section need not be collected in connection with

12 impaired driving checks under G.S. 20-16.3A or other types of roadblocks, vehicle checks, or

13 checkpoints that are consistent with the laws of this State and with the State and federal

14 constitutions, except when those stops result in a warning, search, seizure, arrest, or any of the

15 other activity described in subdivisions (4) through (14) of subsection (a) of this section.

16 (d) Each law enforcement officer making a stop covered by subdivision (1) of

17 subsection (a) of this section shall be assigned an anonymous identification number by the

18 officer's employing agency. The anonymous identifying number shall be public record and

19 shall be reported to the Division to be correlated along with the data collected under subsection

20 (a) of this section. The correlation between the identification numbers and the names of the

21 officers shall not be a public record, and shall not be disclosed by the agency except when

22 required by order of a court of competent jurisdiction to resolve a claim or defense properly

23 before the court.

24 (d1) Any agency subject to the requirements of this section shall submit information

25 collected under subsection (a) of this section to the Division within 60 days of the close of each

26 month. Any agency that does not submit the information as required by this subsection shall be

27 ineligible to receive any law enforcement grants available by or through the State until the

28 information which is reasonably available is submitted.

29 (e) The Division shall publish and distribute by December 1 of each year a list

30 indicating the law enforcement officers that will be subject to the provisions of this section

31 during the calendar year commencing on the following January 1.

32 **"§ 114-10.02. Collection of statistics on the use of deadly force by law enforcement**

33 **officers.**

34 (a) In addition to the duties set forth in G.S. 114-10, the Division of Criminal ~~Statistics~~

35 Information shall collect, maintain, and annually publish the number of deaths, by law

36 enforcement agency, resulting from the use of deadly force by law enforcement officers in the

37 course and scope of their official duties.

38 (b) For purposes of this section, "law enforcement officer" means sworn law

39 enforcement officers with the power of arrest, both State and local.

40 **"§ 114-10.1. Police Information Network.**

41 (a) The Division of Criminal ~~Statistics~~ Information is authorized to establish, devise,

42 maintain and ~~operate, under the control and supervision of the Attorney General,~~ operate

43 a system for receiving and disseminating to participating agencies information collected,

44 maintained and correlated under authority of G.S. 114-10 of this Article. The system shall be

45 known as the ~~Police~~ Division of Criminal Information Network.

46 (b) The ~~Attorney General~~ Division of Criminal Information is authorized to cooperate

47 with the Division of Motor Vehicles, Department of Administration, Department of Correction

48 and other State, local and federal agencies and organizations in carrying out the purpose and

49 intent of this section, and to utilize, in cooperation with other State agencies and to the extent as

50 may be practical, computers and related equipment as may be operated by other State agencies.

1 (c) The ~~Attorney General~~Division of Criminal Information, after consultation with
2 participating agencies, shall adopt rules and regulations governing the organization and
3 administration of the ~~Police~~Division of Criminal Information Network, including rules and
4 regulations governing the types of information relating to the administration of criminal justice
5 to be entered into the system, and who shall have access to such information. The rules and
6 regulations governing access to the ~~Police~~Division of Criminal Information Network shall not
7 prohibit an attorney who has entered a criminal proceeding in accordance with G.S. 15A-141
8 from obtaining information relevant to that criminal proceeding. The rules and regulations
9 governing access to the ~~Police~~Division of Criminal Information Network shall not prohibit an
10 attorney who represents a person in adjudicatory or dispositional proceedings for an infraction
11 from obtaining the person's driving record or criminal history.

12 (d) The ~~Attorney General~~Division of Criminal Information may impose an initial set up
13 fee of two thousand six hundred fifty dollars (\$2,650) for agencies to participate in the ~~Police~~
14 Division of Criminal Information Network. This one-time fee shall be used to offset the cost of
15 the router and data circuit needed to access the Network.

16 The ~~Attorney General~~Division of Criminal Information may also impose monthly fees on
17 participating agencies. The monthly fees collected under this subsection shall be used to offset
18 the cost of operating and maintaining the Police Information Network

19 (1) The ~~Attorney General~~Division of Criminal Information may impose a
20 monthly circuit fee on agencies that access the ~~Police~~Division of Criminal
21 Information Network through a circuit maintained and operated by the
22 Department of Justice. The amount of the monthly fee is three hundred
23 dollars (\$300.00) plus an additional fee amount for each device linked to the
24 Network. The additional fee amount varies depending upon the type of
25 device. For a desktop device after the first seven desktop devices, the
26 additional monthly fee is twenty-five dollars (\$25.00) per device. For a
27 mobile device, the additional monthly fee is twelve dollars (\$12.00) per
28 device.

29 (2) The ~~Attorney General~~Division of Criminal Information may impose a
30 monthly device fee on agencies that access the Police Information Network
31 through some other approved means. The amount of the monthly device fee
32 varies depending upon the type of device. For a desktop device, the monthly
33 fee is twenty-five dollars (\$25.00) per device. For a mobile device, the fee is
34 twelve dollars (\$12.00) per device."

35 **SECTION 2.** This act is effective when it becomes law.