

March 1, 2007

H 454. IDENTITY THEFT. Filed 3/1/07. *TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF PHOTOGRAPHS FOR MOTOR VEHICLE VIOLATIONS OF FAILING TO PRODUCE A LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29 AND VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT PROVISION IN G.S. 20-30.*

Amends GS 15A-502(b) to authorize law enforcement officers to take photographs of those issued a citation, but not arrested, under GS 20-29 pertaining to refusal to give identification information, failure to produce a license for examination, or failure to surrender a license to the Division of Motor Vehicles, or under GS 20-30 pertaining to failure to produce and other specified wrongful use or misappropriation of a driver's license or learner's permit. Photograph must be from the neck up, must be used only for identification, may be taken at the location of the offense, must be retained until conclusion of the case, and, upon final decision, must be destroyed.

Intro. by Folwell, Spear.

GS 15A

April 30, 2007

H 454. IDENTITY THEFT. Filed 3/1/07. House committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON OPERATING A MOTOR VEHICLE WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON.* Modifies GS 15A-502(b) to provide as title indicates. Directs that the photograph of the vehicle operator be from the neck up and that after final disposition of the case by the court, the charging law officer or agency (was, charging agency) must destroy the photograph.

July 23, 2007

H 454. IDENTITY THEFT. Filed 3/1/07. Senate committee substitute makes the following changes to 2nd edition. Substantially modifies proposed amendments to GS 15A-502 so that they now provide that a photograph may be taken of the operator of a motor vehicle on a street or highway if (1) a law enforcement officer cites the operator for a moving violation, (2) the operator does not produce a valid drivers license, and (3) the officer has reasonable suspicion concerning the operator's identity. Defines a moving violation for the purpose of the provision. Requires the photograph to be from the neck up only and regulates where it may be taken as well as its retention, use, and destruction.

Enacts new GS 75-66 making it unlawful to publish personal information, as defined, of another person knowing that the person has objected to disclosure of the information. Exempts government entities and entities subject to the federal Health Insurance Portability and Accountability Act. Authorizes a person injured by a violation of the statute to sue for civil damages under GS 1-539.2C (damages for identity theft). Makes conforming and organizational changes to GS 1-539.2C. Conforms the effective date.

September 4, 2007

SL 2007-534 (H 454). IDENTITY THEFT. *AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON WHO IS CITED FOR A MOTOR VEHICLE MOVING VIOLATION, WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER, AND WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON, AND TO PROVIDE A CAUSE OF ACTION FOR A PERSON WHOSE IDENTIFYING INFORMATION IS PUBLISHED OVER OBJECTION.* Summarized in *Daily Bulletin* 3/1/07, 4/30/07, and 7/23/07. Enacted August 31, 2007. Effective December 1, 2007.

