

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 464
PROPOSED COMMITTEE SUBSTITUTE S464-PCS55397-SA-44

Short Title: Prevent Racial Profiling.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE ARREST OF CERTAIN ADULTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 114-10.01 reads as rewritten:

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

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

- (1) The number of drivers stopped for routine traffic enforcement by law enforcement officers, the officer making each stop, the date each stop was made, the agency of the officer making each stop, and whether or not a citation or warning was issued.
- (2) Identifying characteristics of the drivers stopped, including the race or ethnicity, approximate age, and gender.
- (3) The alleged traffic violation that led to the stop.
- (4) Whether a search was instituted as a result of the stop.
- (5) Whether the vehicle, personal effects, driver, or passenger or passengers were searched, and the race or ethnicity, approximate age, and gender of each person searched.
- (6) Whether the search was conducted pursuant to consent, probable cause, or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable suspicion.
- (7) Whether any contraband was found and the type and amount of any such contraband.
- (8) Whether any written citation or any oral or written warning was issued as a result of the stop.
- (9) Whether an arrest was made as a result of either the stop or the search.
- (10) Whether any property was seized, with a description of that property.
- (11) Whether the officers making the stop encountered any physical resistance from the driver or passenger or passengers.



- 1 (12) Whether the officers making the stop engaged in the use of force against the
2 driver, passenger, or passengers for any reason.
3 (13) Whether any injuries resulted from the stop.
4 (14) Whether the circumstances surrounding the stop were the subject of any
5 investigation, and the results of that investigation.
6 (15) The geographic location of the stop; if the officer making the stop is a
7 member of the State Highway Patrol, the location shall be the Highway
8 Patrol District in which the stop was made; for all other law enforcement
9 officers, the location shall be the city or county in which the stop was made.

10 (b) For purposes of this section, "law enforcement officer" means any of the following:

- 11 (1) All State law enforcement officers.
12 (2) Law enforcement officers employed by county sheriffs or county police
13 departments.
14 (3) Law enforcement officers employed by police departments in municipalities
15 with a population of 10,000 or more persons.
16 (4) Law enforcement officers employed by police departments in municipalities
17 employing five or more full-time sworn officers for every 1,000 in
18 population, as calculated by the Division for the calendar year in which the
19 stop was made.

20 (c) The information required by this section need not be collected in connection with
21 impaired driving checks under G.S. 20-16.3A or other types of roadblocks, vehicle checks, or
22 checkpoints that are consistent with the laws of this State and with the State and federal
23 constitutions, except when those stops result in a warning, search, seizure, arrest, or any of the
24 other activity described in subdivisions (4) through (14) of subsection (a) of this section.

25 (d) ~~The identity of the law enforcement officer making the stop required by subdivision~~
26 ~~(1) of subsection (a) of this section may be accomplished by assigning~~ Each law enforcement
27 officer making a stop covered by subdivision (1) of subsection (a) of this section shall be
28 assigned an anonymous identification numbers to each officer in an number by the officer's
29 employing agency. The anonymous identifying number shall be public record and shall be
30 reported to the Division to be correlated along with the data collected under subsection (a) of
31 this section. The correlation between the identification numbers and the names of the officers
32 shall not be a public record, and shall not be disclosed by the agency except when required by
33 order of a court of competent jurisdiction to resolve a claim or defense properly before the
34 court.

35 (d1) Any agency subject to the requirements of this section shall submit information
36 collected under subsection (a) of this section to the Division within 30 days of the close of each
37 month. Any agency that does not submit the information as required by this subsection shall be
38 ineligible to apply for any law enforcement grants available by or through the State until the
39 information which is reasonably available is submitted.

40 (e) The Division shall publish and distribute by December 1 of each year a list
41 indicating the law enforcement officers that will be subject to the provisions of this section
42 during the calendar year commencing on the following January 1."

43 **SECTION 2.** G.S. 15A-401 is amended by adding a new subsection to read:

44 "(g) Care of Minor Children. – When a law enforcement officer arrests an adult who is
45 supervising minor children who are present at the time of the arrest, the minor children must be
46 placed with a responsible adult approved by a parent or guardian of the minor children. If it is
47 not possible to place the minor children with a responsible adult approved by a parent or
48 guardian within a reasonable period of time, the law enforcement officer shall contact the
49 county department of social services."

50 **SECTION 3.** This act becomes effective January 1, 2010.