

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 464
Judiciary I Committee Substitute Adopted 5/12/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S464-PCS15317-RR-62

Short Title: Prevent Racial Profiling.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW
3 ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND
4 TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE
5 ARREST OF CERTAIN ADULTS.

6 The General Assembly of North Carolina enacts:

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

8 "**§ 114-10.01. Collection of traffic law enforcement statistics.**

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

- 12 (1) The number of drivers stopped for routine traffic enforcement by law
13 enforcement officers, the officer making each stop, the date each stop was
14 made, the agency of the officer making each stop, and whether or not a
15 citation or warning was issued.
- 16 (2) Identifying characteristics of the drivers stopped, including the race or
17 ethnicity, approximate age, and ~~gender~~ sex.
- 18 (3) The alleged traffic violation that led to the stop.
- 19 (4) Whether a search was instituted as a result of the stop.
- 20 (5) Whether the vehicle, personal effects, driver, or passenger or passengers
21 were searched, and the race or ethnicity, approximate age, and ~~gender~~ sex of
22 each person searched.
- 23 (6) Whether the search was conducted pursuant to consent, probable cause, or
24 reasonable suspicion to suspect a crime, including the basis for the request
25 for consent, or the circumstances establishing probable cause or reasonable
26 suspicion.
- 27 (7) Whether any contraband was found and the type and amount of any such
28 contraband.
- 29 (8) Whether any written citation or any oral or written warning was issued as a
30 result of the stop.
- 31 (9) Whether an arrest was made as a result of either the stop or the search.
- 32 (10) Whether any property was seized, with a description of that property.



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- 1 (11) Whether the officers making the stop encountered any physical resistance
2 from the driver or passenger or passengers.
- 3 (12) Whether the officers making the stop engaged in the use of force against the
4 driver, passenger, or passengers for any reason.
- 5 (13) Whether any injuries resulted from the stop.
- 6 (14) Whether the circumstances surrounding the stop were the subject of any
7 investigation, and the results of that investigation.
- 8 (15) The geographic location of the stop; if the officer making the stop is a
9 member of the State Highway Patrol, the location shall be the Highway
10 Patrol District in which the stop was made; for all other law enforcement
11 officers, the location shall be the city or county in which the stop was made.
- 12 (b) For purposes of this section, "law enforcement officer" means any of the following:
- 13 (1) All State law enforcement officers.
- 14 (2) Law enforcement officers employed by county sheriffs or county police
15 departments.
- 16 (3) Law enforcement officers employed by police departments in municipalities
17 with a population of 10,000 or more persons.
- 18 (4) Law enforcement officers employed by police departments in municipalities
19 employing five or more full-time sworn officers for every 1,000 in
20 population, as calculated by the Division for the calendar year in which the
21 stop was made.

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

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

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

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

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

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

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