

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE BILL 759
PROPOSED COMMITTEE SUBSTITUTE S759-PCS15248-SA-18

Short Title: Modify DWI Checking Station Requirements.

(Public)

Sponsors:

Referred to:

March 24, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DESIGNATE PATTERNS
3 IN WRITING FOR STOPPING VEHICLES AT CHECKING STATIONS.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 20-16.3A. Checking stations and roadblocks.**

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

10 (1) Repealed by Session Laws 2006-253, s. 4, effective December 1, 2006, and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

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

15 (2a) Operate under a written policy that provides guidelines for the ~~pattern, which~~
16 ~~need not be in writing~~pattern. The policy may be either the agency's own
17 policy, or if the agency does not have a written policy, it may be the policy
18 of another law enforcement agency, and may include contingency provisions
19 for altering either pattern if actual traffic conditions are different from those
20 anticipated, but no individual officer may be given discretion as to which
21 vehicle is stopped or, of the vehicles stopped, which driver is requested to
22 produce drivers license, registration, or insurance information. If officers of
23 a law enforcement agency are operating under another agency's policy, it
24 must be stated in writing.

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

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



* S 7 5 9 - P C S 1 5 2 4 8 - S A - 1 8 *

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~~an offense arising
9 out of the operation of a checking station."

10 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
11 checking stations conducted on or after that date.