

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 76  
Judiciary II Committee Substitute Adopted 3/4/99

Short Title: Traffic Enforcement Statistics.

(Public)

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Sponsors:

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Referred to:

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February 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT  
3 AND MAINTAIN STATISTICS ON TRAFFIC LAW ENFORCEMENT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 114-10 reads as rewritten:

6 "**§ 114-10. Division of Criminal Statistics.**

7 The Attorney General shall set up in the Department of Justice a division to be  
8 designated as the Division of Criminal Statistics. There shall be assigned to this Division  
9 by the Attorney General duties as follows:

- 10 (1) To collect and correlate information in criminal law administration,  
11 including crimes committed, arrests made, dispositions on preliminary  
12 hearings, prosecutions, convictions, acquittals, punishment, appeals,  
13 together with the age, race, and sex of the offender, and such other  
14 information concerning crime and criminals as may appear significant  
15 or helpful. To correlate such information with the operations of agencies  
16 and institutions charged with the supervision of offenders on probation,  
17 in penal and correctional institutions, on parole and pardon, so as to  
18 show the volume, variety and tendencies of crime and criminals and the  
19 workings of successive links in the machinery set up for the

1 administration of the criminal law in connection with the arrests, trial,  
2 punishment, probation, prison parole and pardon of all criminals in  
3 North Carolina.

- 4 (2) To collect, correlate, and maintain access to information that will assist  
5 in the performance of duties required in the administration of criminal  
6 justice throughout the State. This information may include, but is not  
7 limited to, motor vehicle registration, drivers' licenses, wanted and  
8 missing persons, stolen property, warrants, stolen vehicles, firearms  
9 registration, sexual offender registration as provided under Article 27A  
10 of Chapter 14 of the General Statutes, drugs, drug users and parole and  
11 probation histories. In performing this function, the Division may  
12 arrange to use information available in other agencies and units of State,  
13 local and federal government, but shall provide security measures to  
14 insure that such information shall be made available only to those whose  
15 duties, relating to the administration of justice, require such information.

- 16 (2a) To collect, correlate, and maintain the following information regarding  
17 traffic law enforcement by State law enforcement officers:

- 18 a. The number of drivers stopped for routine traffic enforcement by  
19 State law enforcement officers and whether or not a citation or  
20 warning was issued;  
21 b. Identifying characteristics of the drivers stopped, including the  
22 race or ethnicity, approximate age, and gender;  
23 c. The alleged traffic violation that led to the stop;  
24 d. Whether a search was instituted as a result of the stop;  
25 e. Whether the vehicle, personal effects, driver, or passenger or  
26 passengers were searched;  
27 f. The legal basis for the search, including whether consent was  
28 obtained and whether there was probable cause or reasonable  
29 suspicion to suspect a crime;  
30 g. Whether any contraband was found and the type and amount of  
31 any such contraband;  
32 h. Whether any written citation or any oral or written warning was  
33 issued as a result of the stop;  
34 i. Whether an arrest was made as a result of either the stop or the  
35 search;  
36 j. Whether any property was seized under forfeiture laws, with a  
37 description of that property;  
38 k. Whether the officers making the stop encountered any physical  
39 resistance from the driver or passenger or passengers;  
40 l. Whether the officers making the stop engaged in the use of force  
41 against the driver, passenger, or passengers for any reason;  
42 m. Whether any injuries resulted from the stop; and

1           n.     Whether the circumstances surrounding the stop were the subject  
2                 of any investigation, and the results of that investigation.

3           The information required by this subdivision need not be collected in  
4           connection with impaired driving checks under G.S. 20-16.3A or other  
5           types of roadblocks, vehicle checks, or checkpoints that are consistent  
6           with the laws of this State and with the State and federal constitutions,  
7           except when those stops result in a warning, search, seizure, arrest, or  
8           any of the other activity described in sub-subdivisions d. through n. of  
9           this subdivision.

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

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

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

19          (6)    To promulgate rules and regulations for the administration of this  
20                 Article."

21                 Section 2. This act becomes effective October 1, 1999, and applies to law  
22                 enforcement actions occurring on or after that date.