SENATE BILL 76
Judiciary II Committee Substitute Adopted 3/4/99
House Committee Substitute Favorable 3/31/99

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

1		workings of successive links in the machinery set up for the
2		administration of the criminal law in connection with the arrests, trial,
3		punishment, probation, prison parole and pardon of all criminals in
4		North Carolina.
5	(2)	To collect, correlate, and maintain access to information that will assist

1 workings of successive links in the machinery set up for the
2 administration of the criminal law in connection with the arrests, trial,
3 punishment, probation, prison parole and pardon of all criminals in
4 North Carolina.
5 (2) To collect, correlate, and maintain access to information that will assist
6 in the performance of duties required in the administration of criminal
7 justice throughout the State. This information may include, but is not
8 limited to, motor vehicle registration, drivers' licenses, wanted and
9 missing persons, stolen property, warrants, stolen vehicles, firearms
10 registration, sexual offender registration as provided under Article 27A
11 of Chapter 14 of the General Statutes, drugs, drug users and parole and
12 probation histories. In performing this function, the Division may
13 arrange to use information available in other agencies and units of State,
14 local and federal government, but shall provide security measures to
15 insure that such information shall be made available only to those whose
16 duties, relating to the administration of justice, require such information.
17 (2a) To collect, correlate, and maintain the following information regarding
18 traffic law enforcement by State law enforcement officers:
19 a. The number of drivers stopped for routine traffic enforcement by
20 State law enforcement officers and whether or not a citation or
21 warning was issued;
22 b. Identifying characteristics of the drivers stopped, including the
23 race or ethnicity, approximate age, and gender;
24 c. The alleged traffic violation that led to the stop;
25 d. Whether a search was instituted as a result of the stop;
26 e. Whether the vehicle, personal effects, driver, or passenger or
27 passengers were searched, and the race or ethnicity, approximate
28 age, and gender of each person searched;
29 f. Whether the search was conducted pursuant to consent, probable
30 cause, or reasonable suspicion to suspect a crime, including the
31 basis for the request for consent, or the circumstances
32 establishing probable cause or reasonable suspicion;
33 g. Whether any contraband was found and the type and amount of
34 any such contraband;
35 h. Whether any written citation or any oral or written warning was
36 issued as a result of the stop;
37 i. Whether an arrest was made as a result of either the stop or the
38 search;
39 j. Whether any property was seized, with a description of that
40 property;
41 k. Whether the officers making the stop encountered any physical
42 resistance from the driver or passenger or passengers;

    l. Whether the officers making the stop engaged in the use of force against the driver, passenger, or passengers for any reason;

    m. Whether any injuries resulted from the stop; and

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

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

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

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

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

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

  Section 2. This act shall not be construed to obligate the General Assembly to make any appropriation to implement the provisions of this act. Each department and agency to which this act applies shall implement the provisions of this act from funds otherwise appropriated to that department or agency.

  Section 3. This act becomes effective October 1, 1999, and applies to law enforcement actions occurring on or after that date.