

N.C. Gen. Stat. § 143B-903

Statutes current through the 2014 Regular Session

General Statutes of North Carolina > CHAPTER 143B. EXECUTIVE ORGANIZATION ACT OF 1973 > ARTICLE 13. DEPARTMENT OF PUBLIC SAFETY > PART 4. DIVISION OF LAW ENFORCEMENT > SUBPART A. GENERAL PROVISIONS

**§ 143B-903. Collection of traffic law enforcement statistics**

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- (a) In addition to its other duties, the Department of Public Safety 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 sex.
  - (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 sex 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.
  - (12) Whether the officers making the stop engaged in the use of force against the driver, passenger, or passengers for any reason.
  - (13) Whether any injuries resulted from the stop.
  - (14) Whether the circumstances surrounding the stop were the subject of any investigation, and the results of that investigation.
  - (15) The geographic location of the stop; if the officer making the stop is a member of the State Highway Patrol, the location shall be the Highway Patrol District in which the stop was made; for all other law enforcement officers, the location shall be the city or county in which the stop was made.
- (b) For purposes of this section, "law enforcement officer" means any of the following:
- (1) All State law enforcement officers.
  - (2) Law enforcement officers employed by county sheriffs or county police departments.

- (3) Law enforcement officers employed by police departments in municipalities with a population of 10,000 or more persons.
- (4) Law enforcement officers employed by police departments in municipalities employing five or more full-time sworn officers for every 1,000 in population, as calculated by the Department for the calendar year in which the stop was made.
- (c) The information required by this section 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 subdivisions (4) through (14) of subsection (a) of this section.
- (d) Each law enforcement officer making a stop covered by subdivision (1) of subsection (a) of this section shall be assigned an anonymous identification number by the officer's employing agency. The anonymous identifying number shall be public record and shall be reported to the Department to be correlated along with the data collected under subsection (a) of this section. The correlation between the identification numbers and the names of the officers shall not be a public record, and shall not be disclosed by the agency except when required by order of a court of competent jurisdiction to resolve a claim or defense properly before the court.
- (e) Any agency subject to the requirements of this section shall submit information collected under subsection (a) of this section to the Department within 60 days of the close of each month. Any agency that does not submit the information as required by this subsection shall be ineligible to receive any law enforcement grants available by or through the State until the information which is reasonably available is submitted.
- (f) The Department shall publish and distribute by December 1 of each year a list indicating the law enforcement officers that will be subject to the provisions of this section during the calendar year commencing on the following January 1.

## History

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1939, c. 315, s. 2; 1955, c. 1257, ss. 1, 2; 1969, c. 1267, s. 1; 1995, c. 545, s. 2; 1999-26, s. 1; 1999-225, s. 1; 2000-67, s. 17.2(a); 2001-424, s. 23.7(a); 2002-159, s. 18(a), (b); 2009-544, s. 1; 2012-182, s. 1; 2014-100, s. 17.1(h), (tt).

## Annotations

## Notes

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### EDITOR'S NOTE. --

Session Laws 2002-159, ss. 18(a) and (b), effective October 11, 2002, recodified former G.S. 114-10(2a) as this section, added the section heading, and rewrote the section.

This section was formerly G.S. 114-10.01. It was recodified as G.S. 143B-903 by Session Laws 2014-100, s. 17.1(h), effective July 1, 2014.

Session Laws 2014-100, s. 1.1, provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 2014.'"

Session Laws 2014-100, s. 38.7, is a severability clause.

**EFFECT OF AMENDMENTS. --**

Session Laws 2009-544, s. 2, effective January 1, 2010, substituted "sex" for "gender" in subdivisions (a)(2) and (a)(5); in subsection (d), rewrote the first sentence and added the present second sentence; and added subsection (d1).

Session Laws 2012-182, s. 1, effective July 12, 2012, substituted "Information" for "Statistics" in the first sentence of the introductory paragraph of subsection (a).

Session Laws 2014-100, s. 17.1(tt), effective July 1, 2014, substituted "Department" for "Division" throughout; substituted "In addition to its other duties, the Department of Public Safety" for "In addition to the duties set forth in G.S. 114-10, the Division of Criminal Information" at the beginning of subsection (a).

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N.C. Gen. Stat. § 114-10

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DIVISION OF CRIMINAL INFORMATION

**§§ 114-10 through 114-10.1**

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Recodified as G.S. 143B-902 through 143B-905 by Session Laws 2014-100, s. 17.1(h), effective July 1, 2014.

**Annotations**

**Notes**

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**EDITOR'S NOTE. --**

Session Laws 2014-100, s. 17.1(a), provides: "The Division of Criminal Information of the Department of Justice is hereby transferred to the Department of Public Safety. This transfer shall have all of the elements of a Type I transfer, as described in G.S. 143A-6."

Session Laws 2014-100, s. 1.1, provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 2014.'"

Session Laws 2014-100, s. 38.4, provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2014-2015 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2014-2015 fiscal year."

Session Laws 2014-100, s. 38.7, is a severability clause.

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