

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 454

Short Title: Identity Theft. (Public)

Sponsors: Representatives Folwell, Spear (Primary Sponsors); Current, Faison, Starnes, R. Warren, and Wray.

Referred to: Judiciary II.

March 5, 2007

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF PHOTOGRAPHS FOR MOTOR VEHICLE VIOLATIONS OF FAILING TO PRODUCE A LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29 AND VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT PROVISIONS IN G.S. 20-30.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-502(b) reads as rewritten:

"(b) This section does not authorize the taking of photographs or fingerprints when the offense charged is a Class 2 or 3 misdemeanor under Chapter 20 of the General Statutes, "~~Motor Vehicles.~~"Vehicles," except that photographs may be taken for violations of G.S. 20-29 or any of the provisions of G.S. 20-30. Notwithstanding subsection (a) of this section, a photograph of a person from the neck up may be taken for law enforcement records when the person is issued a citation, but not arrested, for violating G.S. 20-29 or any of the provisions of G.S. 20-30. The law enforcement officer is authorized to take the photograph at the location where the suspected offense has occurred. The photograph must be retained by the officer until conclusion of the case and may not be used for any other purpose than to confirm the identity of the alleged offender. Upon a final decision on any such citation or warrant by the court, the photograph shall be destroyed by the charging agency."

SECTION 2. This act becomes effective December 1, 2007, and applies to offenses committed on or after that date.