

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS25063-MA-230 (3/12)

Short Title: Require Fingerprinting for DWI/DWLR. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED.

The General Assembly of North Carolina enacts:

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

"§ 15A-502. Photographs and fingerprints.

(a) A person charged with the commission of a felony or a misdemeanor may be photographed and his fingerprints may be taken for law-enforcement records only when he has been:

- (1) Arrested or committed to a detention facility, or
- (2) Committed to imprisonment upon conviction of a crime, or
- (3) Convicted of a felony.

It shall be the duty of the arresting law-enforcement agency to cause a person charged with the commission of a felony to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation. It shall be the duty of the arresting law enforcement agency to cause a person charged with any offense involving impaired driving, as defined in G.S. 20-4.01(24a), or if the revocation is for an Impaired Driving License Revocation as defined in G.S. 20-28.2, who cannot be identified by a valid form of identification, to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation.

(a1) All fingerprints taken under this section that are required to be submitted to the State Bureau of Investigation shall be submitted through an automated fingerprint identification system if the agency taking the fingerprints has such a system.

(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."

1 (c) This section does not authorize the taking of photographs or fingerprints of a
2 juvenile alleged to be delinquent except under Article 21 of Chapter 7B of the General
3 Statutes.

4 (d) This section does not prevent the taking of photographs, moving pictures,
5 video or sound recordings, fingerprints, or the like to show a condition of intoxication or
6 for other evidentiary use.

7 (e) Fingerprints or photographs taken pursuant to subsection (a) may be
8 forwarded to the State Bureau of Investigation, the Federal Bureau of Investigation, or
9 other law-enforcement agencies."

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