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SENATE BILL DRS35228-ND-110

Short Title: End Racial Profiling in Traffic Stops Act. (Public)

Sponsors: Senators Chaudhuri, Mohammed, and Murdock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DEVELOP POLICIES
3 PROHIBITING THE USE OF RACIAL PROFILING IN TRAFFIC STOPS AND
4 SEARCHES, TO REQUIRE THE SCHOOL OF GOVERNMENT AT THE UNIVERSITY
5 OF NORTH CAROLINA AT CHAPEL HILL TO GATHER AND STUDY DATA
6 REGARDING TRAFFIC STOPS, AND TO CREATE A TRAFFIC STOP ADVISORY
7 BOARD.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Chapter 20 of the General Statutes is amended by adding a new Article
10 to read:

11 "Article 2E.

12 "End Racial Profiling in Traffic Stops Act.

13 "**§ 20-38.50. Policy against racial profiling in traffic stops; definition; purpose.**

14 (a) Policy. – The General Assembly declares that the use of racial profiling to stop and
15 search motorists on our public highways is against public policy and violates the civil rights of
16 the motorist.

17 (b) Definition. – For purposes of this Article, "racial profiling" means the detention,
18 interdiction, or other disparate treatment of an individual on the basis, in whole or in part, of the
19 perceived racial or ethnic status of the individual, except when that status is used in combination
20 with other identifying factors in seeking to apprehend a specific suspect whose racial or ethnic
21 status is part of the description of the suspect.

22 (c) Purpose. – The purpose of this Article is to eradicate the use of racial profiling in
23 traffic stops through the strengthening of law enforcement agency policies informed by
24 recommendations from the School of Government at the University of North Carolina at Chapel
25 Hill based upon North Carolina traffic stop data analysis.

26 "**§ 20-38.51. Law enforcement agency written policy.**

27 All law enforcement agencies in the State shall adopt a written policy that prohibits the
28 stopping, detention, interdiction, or search of any person when the action is motivated, in whole
29 or in part, by considerations of race, color, ethnicity, age, gender, or sexual orientation, except
30 when that status is used in combination with other identifying factors seeking to apprehend a
31 specific suspect whose race, color, ethnicity, age, gender, or sexual orientation is part of the
32 description of the suspect.

33 "**§ 20-38.52. Study of traffic stops.**

34 (a) Study. – The School of Government at the University of North Carolina at Chapel
35 Hill shall conduct an annual study of routine traffic stops made by North Carolina State troopers,
36 municipal police officers, and county sheriffs and sheriffs' deputies. The study shall include an



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1 analysis of the data received from the State Highway Patrol and municipal police departments
2 pursuant to this section, which shall include the following information, at a minimum, for each
3 traffic stop conducted:

- 4 (1) The date and time of the stop.
- 5 (2) The specific geographic location of the stop.
- 6 (3) The unique identifying number of the law enforcement officer making the
7 stop.
- 8 (4) The race, ethnicity, gender, and approximate age of the driver stopped,
9 provided that the identification of these characteristics shall be based upon the
10 observation and perception of the law enforcement officer making the stop
11 and not requested from the person stopped.
- 12 (5) The statutory reason for the stop.
- 13 (6) Whether a search was conducted as a result of the stop.
- 14 (7) The scope of any search conducted.
- 15 (8) Whether any search conducted was pursuant to consent, probable cause, or
16 reasonable suspicion to suspect a crime.
- 17 (9) Whether any contraband, including money, was seized in the course of the
18 search, and, if so, the amount and nature of the contraband.
- 19 (10) Whether any warning or citation was issued as a result of the stop or the
20 search.
- 21 (11) Whether an arrest was made as a result of the stop or the search.
- 22 (12) The approximate duration of the stop and whether the vehicle was towed.
- 23 (13) Whether the stopped vehicle was registered in North Carolina or out of the
24 State.
- 25 (14) Whether the operator of the vehicle was a resident of the municipality where
26 the stop occurred.
- 27 (15) Any other information deemed appropriate by the Traffic Stop Advisory
28 Board established in G.S. 20-38.53.

29 (b) Data Analysis. – The School of Government at the University of North Carolina at
30 Chapel Hill shall perform an in-depth analysis of data from at least eight municipal police
31 departments per year, prioritizing the analysis of data from municipal police departments that
32 have the highest racial disparity in traffic stops.

33 (c) Guidelines to Avoid Racial Profiling. – Based upon the results of the studies required
34 under subsections (a) and (b) of this section, the School of Government at the University of North
35 Carolina at Chapel Hill shall develop and implement guidelines that may be used by all law
36 enforcement agencies to avoid the use of racial profiling in stops and searches.

37 (d) Provision of Information. – All law enforcement agencies in the State shall promptly
38 provide information to the School of Government at the University of North Carolina at Chapel
39 Hill following requests for information pursuant to this section.

40 **"§ 20-38.53. Traffic Stop Advisory Board.**

41 (a) Established. – Using available resources, there is established a Traffic Stop Advisory
42 Board for the purpose of advising the School of Government at the University of North Carolina
43 at Chapel Hill with respect to the annual reports and creation of standardized methods and
44 guidelines required by G.S. 20-38.52. The Board shall be located within the Office of the
45 Attorney General for administrative purposes only.

46 (b) Members. – The Traffic Stop Advisory Board shall consist of the following members:

- 47 (1) Two members of the House of Representatives from different political parties
48 to be appointed by the Speaker of the House of Representatives.
- 49 (2) Two members of the Senate from different political parties to be appointed by
50 the President Pro Tempore of the Senate.
- 51 (3) Three members to be appointed by the Governor.

- 1 (4) One member to be appointed by the Attorney General.
2 (5) One community leader to be appointed by the Governor.
3 (6) One professor from a university within The University of North Carolina
4 System whose research specialty includes the use of statistics to be appointed
5 by the Governor.
6 (7) The President of the North Carolina Association of Chiefs of Police."
7 **SECTION 2.** This act becomes effective October 1, 2021.