

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH60092-MA-143A (2/20)

Short Title: Identity Theft.

(Public)

Sponsors: Representatives Folwell and Spear (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED

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

8 The General Assembly of North Carolina enacts:

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

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

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