

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 454
Committee Substitute Favorable 4/30/07

Short Title: Identity Theft.

(Public)

Sponsors:

Referred to:

March 5, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING
3 THE TAKING OF A PHOTOGRAPH OF A PERSON OPERATING A MOTOR
4 VEHICLE WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON
5 THE REQUEST OF A LAW ENFORCEMENT OFFICER WHERE THE LAW
6 ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING
7 THE TRUE IDENTITY OF THE PERSON.

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 a photograph may be taken of
13 a person who operates a motor vehicle on a street or highway who does not produce a
14 valid drivers license upon the request of a law enforcement officer where the law
15 enforcement officer has a reasonable suspicion concerning the true identity of the
16 operator of the motor vehicle. A photograph taken under this subsection shall be of the
17 operator of the motor vehicle from the neck up and may be taken at the location where
18 the citation is issued or at the jail if an arrest is made. The photograph must be retained
19 by the law enforcement officer until conclusion of the case and may not be used for any
20 purpose other than to confirm the identity of the alleged offender. Upon a final
21 disposition by the court, the photograph shall be destroyed by the charging law
22 enforcement officer or agency."

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