

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 759

Short Title: Modify DWI Checking Station Requirements. (Public)

Sponsors: Senators McKissick; Atwater, Berger of Franklin, Davis, Foriest, Jones,
 Kinnaird, Nesbitt, Snow, and Vaughan.

Referred to: Judiciary I.

March 24, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DESIGNATE PATTERNS
3 IN WRITING FOR STOPPING VEHICLES AT CHECKING STATIONS AND
4 CREATING GROUNDS FOR SUPPRESSION AND DISMISSAL OF IMPAIRED
5 DRIVING CASES BASED ON THE OPERATION OF CHECKING STATIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-16.3A reads as rewritten:

8 "**§ 20-16.3A. Checking stations and roadblocks.**

9 (a) A law-enforcement agency may conduct checking stations to determine compliance
10 with the provisions of this Chapter. If the agency is conducting a checking station for the
11 purposes of determining compliance with this Chapter, it must:

12 (1) Repealed by Session Laws 2006-253, s. 4, effective December 1, 2006, and
13 applicable to offenses committed on or after that date.

14 (2) Designate in advance the ~~pattern~~pattern, in writing, both for stopping
15 vehicles and for requesting drivers that are stopped to produce drivers
16 license, registration, or insurance information.

17 (2a) Operate under a written policy that provides guidelines for the ~~pattern, which~~
18 ~~need not be in writing~~pattern. The policy may be either the agency's own
19 policy, or if the agency does not have a written policy, it may be the policy
20 of another law enforcement agency, and may include contingency provisions
21 for altering either pattern if actual traffic conditions are different from those
22 anticipated, but no individual officer may be given discretion as to which
23 vehicle is stopped or, of the vehicles stopped, which driver is requested to
24 produce drivers license, registration, or insurance information. If officers of
25 a law enforcement agency are operating under another agency's policy, it
26 must be stated in writing.

27 (3) Advise the public that an authorized checking station is being operated by
28 having, at a minimum, one law enforcement vehicle with its blue light in
29 operation during the conducting of the checking station.

30 (b) An officer who determines there is a reasonable suspicion that an occupant has
31 violated a provision of this Chapter, or any other provision of law, may detain the driver to
32 further investigate in accordance with law. The operator of any vehicle stopped at a checking
33 station established under this subsection may be requested to submit to an alcohol screening
34 test under G.S. 20-16.3 if during the course of the stop the officer determines the driver had
35 previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. The



1 officer so requesting shall consider the results of any alcohol screening test or the driver's
2 refusal in determining if there is reasonable suspicion to investigate further.

3 (c) Law enforcement agencies may conduct any type of checking station or roadblock
4 as long as it is established and operated in accordance with the provisions of the United States
5 Constitution and the Constitution of North Carolina.

6 (d) The placement of checkpoints should be random or statistically indicated, and
7 agencies shall avoid placing checkpoints repeatedly in the same location or proximity. This
8 subsection ~~shall not~~may be grounds for a motion to suppress or a defense to ~~any~~an offense
9 arising out of the operation of a checking station."

10 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
11 checking stations conducted on or after that date.