

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 266

Short Title: Use of Deadly Force/Public Web Site. (Public)

Sponsors: Representatives E. Floyd; and Hughes.

Referred to: Judiciary III, if favorable, Appropriations.

February 24, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT AND
3 MAINTAIN STATISTICS ON THE USE OF DEADLY FORCE BY LAW
4 ENFORCEMENT WHICH RESULTS IN DEATH.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 114 of the General Statutes is amended by adding a new
7 section to read:

8 **"§ 114-10.02. Collection of statistics on the use of deadly force by law enforcement**
9 **officers.**

10 (a) In addition to the duties set forth in G.S. 114-10, the Division of Criminal Statistics
11 shall collect, correlate, maintain, and publish the following information regarding any death
12 resulting from the use of deadly force by law enforcement officers:

13 (1) The number of deaths resulting from the use of deadly force by law
14 enforcement officers, the officer using deadly force resulting in death, the
15 date deadly force was used, the date of the resulting death, and the agency of
16 the officer using deadly force resulting in death.

17 (2) Identifying characteristics of the decedent including the race or ethnicity,
18 approximate age, and gender.

19 (3) The alleged violation that led to the use of deadly force resulting in death.

20 (4) Whether any contraband was found and the type and amount of any such
21 contraband.

22 (5) Whether any property was seized, with a description of that property.

23 (6) Whether any injuries to the officer resulted from enforcement contact.

24 (7) Whether the circumstances surrounding the enforcement contact were the
25 subject of any investigation, and the results of that investigation, once
26 released by the district attorney, for the jurisdiction in which the
27 investigation was being conducted, for disclosure.

28 (8) The geographic location of the use of deadly force resulting in death shall be
29 the city or county in which the use of deadly force resulting in death
30 occurred.

31 (b) For purposes of this section, "law enforcement officer" means any criminal justice
32 officer as defined in G.S. 17C-2(3).

33 (c) The identity of the law enforcement officer using deadly force required by
34 subdivision (1) of subsection (a) of this section may be accomplished by assigning anonymous
35 identification numbers to each officer in an agency. The correlation between the identification
36 numbers and the names of the officers shall not be a public record and shall not be disclosed by



1 the agency except when required by order of a court of competent jurisdiction to resolve a
2 claim or defense properly before the court."

3 **SECTION 2.** This act becomes effective December 1, 2009, and applies to uses of
4 deadly force resulting in death that occur on or after that date.