GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

CHAPTER 18
SENATE BILL 124

AN ACT TO PROVIDE FOR THE USE OF LASER SPEED ENFORCEMENT IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 8-50.2 reads as rewritten:

"**§ 8-50.2. Results of speed-measuring instruments; admissibility.**

(a) The results of the use of radio ~~microwave~~ microwave, laser, or other speed-measuring instruments shall be admissible as evidence of the speed of an object in any criminal or civil proceeding for the purpose of corroborating the opinion of a person as to the speed of an object based upon the visual observation of the object by such person.

(b) Notwithstanding the provisions of subsection (a) of this section, the results of a radio ~~microwave~~ microwave, laser, or other electronic speed-measuring instrument are not admissible in any proceeding unless it is found that:

(1) The operator of the instrument held, at the time the results of the speed-measuring instrument were obtained, a certificate from the North Carolina Criminal Justice Education and Training Standards Commission (hereinafter referred to as the Commission) authorizing him to operate the speed-measuring instrument from which the results were obtained.

(2) The operator of the instrument operated the speed-measuring instrument in accordance with the procedures established by the Commission for the operation of such instrument.

(3) The instrument employed was approved for use by the Commission and the Secretary of Crime Control and Public Safety pursuant to G.S. 17C-6.

(4) The speed-measuring instrument had been calibrated and tested for accuracy in accordance with the standards established by the Commission for that particular instrument.

(c) All radio microwave and other electronic speed-measuring instruments shall be tested for accuracy by a technician possessing at least a second-class or general radiotelephone license from the Federal Communications Commission or a certification issued by organizations or committees endorsed by the Federal Communications Commission within a period of 12 months prior to the alleged violation. A written certificate by such technician showing that the test was made within the required period and that the instrument was accurate shall be competent and **prima facie** evidence of those facts in any proceeding referred to in subsection (a) of this section.

All laser speed enforcement instruments shall be tested in accordance with standards established by the Commission. The Commission shall provide for certification of laser speed enforcement instruments. A written certificate by a technician certified by the Commission showing that a test was made within the required testing period and that the instrument was accurate shall be competent and **prima facie** evidence of those facts in any proceeding referred to in subsection (a) of this section.

(d) In every proceeding where the results of a radio ~~microwave~~ microwave, laser, or other speed-measuring instrument is sought to be admitted, judicial notice shall be taken of the rules approving the use of the models and types of radio microwave and other speed-measuring instruments and the procedures for operation and calibration or measuring accuracy of such instruments."

Sec. 2. G.S. 17C-6(a) reads as rewritten:

"(a) In addition to powers conferred upon the Commission elsewhere in this Chapter, the Commission shall have the following powers, which shall be enforceable through its rules and regulations, certification procedures, or the provisions of G.S. 17C-10:

(1) Promulgate rules and regulations for the administration of this Chapter, which rules may require (i) the submission by any criminal justice agency of information with respect to the employment, education, retention, and training of its criminal justice officers, and (ii) the submission by any criminal justice training school of information with respect to its criminal justice training programs that are required by this Chapter;

(2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent position;

(3) Certify, pursuant to the standards that it has established for the purpose, persons as qualified under the provisions of this Chapter to be employed at entry level and retained as criminal justice officers;

(4) Establish minimum standards for the certification of criminal justice training schools and programs or courses of instruction that are required by this Chapter;

(5) Certify, pursuant to the standards that it has established for the purpose, criminal justice training schools and programs or courses of instruction that are required by this Chapter;

(6) Establish minimum standards and levels of education and experience for all criminal justice instructors who participate in programs or courses of instruction that are required by this Chapter;

(7) Certify, pursuant to the standards that it has established for the purpose, criminal justice instructors who participate in programs or courses of instruction that are required by this Chapter;

(8) Investigate and make such evaluations as may be necessary to determine if criminal justice agencies, schools, and individuals are complying with the provision[s] of this Chapter;
(9) Adopt and amend bylaws, consistent with law, for its internal management and control;
(10) Enter into contracts incident to the administration of its authority pursuant to this Chapter;
(11) Establish minimum standards and levels of training for certification and periodic recertification of operators of and instructors for training programs in radio ~~microwave~~ microwave, laser, and other electronic speed-measuring instruments;
(12) Certify and recertify, pursuant to the standards that it has established, operators and instructors for training programs for each approved type of radio ~~microwave~~ microwave, laser, and other electronic speed-measuring instruments;
(13) In conjunction with the Secretary of Crime Control and Public Safety, approve use of specific models and types of radio ~~microwave~~ microwave, laser, and other speed-measuring instruments and establish the procedures for operation of each approved instrument and standards for calibration and testing for accuracy of each approved instrument;
(14) Establish minimum standards for in-service training for criminal justice officers."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 18th day of March, 1994.

_____

Marc Basnight
President Pro Tempore of the Senate

_____

Daniel Blue, Jr.
Speaker of the House of Representatives