

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 421  
Committee Substitute Favorable 4/30/09

Short Title: Use of Deadly Force/SBI Investigations.

(Public)

Sponsors:

Referred to:

March 5, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE LIST OF TACTICAL FORCE THAT, WHEN USED BY A  
3 LAW ENFORCEMENT OFFICER, MAY CAUSE A DEATH THAT IS SUBJECT TO  
4 SBI INVESTIGATION AND TO REQUIRE THE RELEASE OF A SUMMARY OF THE  
5 INVESTIGATION RESULTS TO LOCAL LAW ENFORCEMENT AND THE  
6 DECEDENT'S NEXT OF KIN AND OTHERS UPON REQUEST OF SPECIFIED  
7 PARTIES.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 147-90 reads as rewritten:

10 "§ 147-90. Investigations of specified uses of deadly force.

11 (a) In every instance in which a private citizen is killed as a result of the use of a  
12 firearm by a law enforcement officer in the line of duty, or in which a private citizen dies  
13 immediately following an incident involving the use of an electronic control device (ECD),  
14 chemical spray, or physical force by a law enforcement officer in the line of duty, the district  
15 attorney in the prosecutorial district in which the death occurred shall, upon the request of the  
16 surviving spouse or next of kin of the private citizen within 180 days of the death, request the  
17 State Bureau of Investigation to conduct an investigation into the incident. For purposes of this  
18 section, the term "next of kin" includes only the child, father, mother, sister, or brother of the  
19 private citizen.

20 (b) Statements and reports prepared by or on behalf of a district attorney pursuant to  
21 this section are not public records as defined by G.S. 132-1 and may be released by the district  
22 attorney only as provided by G.S. 132-1.4 or other applicable law.

23 (c) An executive summary of any report prepared for the district attorney as a result of  
24 an investigation requested pursuant to this section shall be released to the decedent's next of  
25 kin, or to the head of the law enforcement agency of the affected law enforcement officer, or  
26 both, upon their respective request. The executive summary may be released to any other  
27 person upon the request of the decedent's next of kin."

28 SECTION 2. This act is effective when it becomes law.

