

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 109

Short Title: Law Enforcement Recordings/Winston-Salem. (Local)

Sponsors: Senator Lowe (Primary Sponsor).

Referred to: Rules and Operations of the Senate

February 18, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PUBLIC RECORD STATUTES WITH REGARD TO THE CITY
3 OF WINSTON-SALEM RELATED TO LAW ENFORCEMENT AGENCY
4 RECORDINGS AND CLOSED SESSIONS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 132-1.4A reads as rewritten:

7 "§ 132-1.4A. Law enforcement agency recordings.

8 (a) Definitions. – The following definitions apply in this section:

9 ...

10 (1a) Citizen review board. – A board or commission legally designed by a city
11 council to review police matters or complaints against a police agency and
12 individual officers.

13 ...

14 (h) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the
15 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency
16 shall disclose or release a recording to a district attorney (i) for review of potential criminal
17 charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for
18 use in criminal proceedings in district court, or (iv) for any other law enforcement purpose, and
19 may disclose or release a recording for any of the following purposes:

20 (1) For law enforcement training purposes.

21 (2) Within the custodial law enforcement agency for any administrative, training,
22 or law enforcement purpose.

23 (3) To another law enforcement agency for law enforcement purposes.

24 (4) For suspect identification or apprehension.

25 (5) To locate a missing or abducted person.

26 (6) To other local agencies that partner with the custodial law enforcement agency
27 including municipal and county firefighters, emergency medical services,
28 emergency dispatchers, and operators for any internal investigation,
29 administration decision making, or training purpose.

30 (7) To school resource officers to disclose the recordings to a juvenile whose
31 image or voice is captured in the recording, parents or the legal guardians of
32 the juvenile whose image or voice is captured in the recording, and principals
33 and other school administrators in the local school administrative unit where
34 the juvenile is enrolled.

35 (8) To a citizens review board for review of complaints, provided members of the
36 board execute a confidentiality agreement to maintain the confidentiality of



the recording prior to viewing the recording. Recording images may be released to the public by the citizens review board only upon court order.

(9) To identify or locate a potential criminal suspect, victim of a crime, or missing person, provided only a single or limited number of randomly selected still images extracted from the recording are disclosed or released. The image or images shall depict only the face or other identifying characteristics of the criminal suspect, victim of a crime, or missing person.

(10) To the city or county manager upon the manager's request for management and administrative purposes including police operations review if the custodial law enforcement agency is a municipal police agency or a combined city-and-county police agency headed by a chief officer other than a county sheriff. Prior to viewing the recording, the manager shall execute a confidentiality agreement to maintain the confidentiality of the recording prior to viewing the recording. Recording images may be released to the public by the manager only upon a court order.

(11) To the city or town council in closed session and upon recommendation of the city or town manager and majority vote of the city or town council, provided members of the city or town council shall execute a confidentiality agreement to maintain the confidentiality of the recording prior to viewing the recording. A member of the council shall be allowed to make statements to restore the public's confidence in law enforcement without breaching the confidentiality agreement or otherwise violating this section. Recording images may be released to the public by the council only upon a court order.

...

(k) No civil liability shall arise from compliance with the provisions of this section, provided that the acts or omissions are made in good faith and do not constitute gross negligence, willful or wanton misconduct, or intentional wrongdoing. Any person who knowingly and willfully discloses or releases a recording in violation of this section shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00).

...."

SECTION 2. G.S. 143-318.11(a) reads as rewritten:

"(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

...

(10) To view a recording ~~released~~regulated pursuant to G.S. 132-1.4A."

SECTION 3. This act applies to the City of Winston-Salem.

SECTION 4. This act is effective when it becomes law.