

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 445
Mar 22, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40246-ST-9

Short Title: Closed Session Reminder.

(Public)

Sponsors: Representative Winslow.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE PRESIDING CHAIR OF ALL OPEN MEETINGS TO REMIND
3 THE PUBLIC BODY OF THE LIMITED NATURE OF DISCUSSION DURING A
4 CLOSED SESSION AND TO REQUIRE THE PRESIDING CHAIR TO CERTIFY TO THE
5 PUBLIC THAT ALL DISCUSSION DURING A CLOSED SESSION WAS RELATED TO
6 THE REASON FOR THE CLOSED SESSION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 143-318.11 reads as rewritten:

9 "§ 143-318.11. Closed sessions.

10 ...

11 (c) Calling a Closed Session. – A public body may hold a closed session only upon a
12 motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite
13 one or more of the permissible purposes listed in subsection (a) of this section. A motion based
14 on subdivision (a)(1) of this section shall also state the name or citation of the law that renders
15 the information to be discussed privileged or confidential. A motion based on subdivision (a)(3)
16 of this section shall identify the parties in each existing lawsuit concerning which the public body
17 expects to receive advice during the closed session. Upon adoption of the motion to enter into
18 closed session and while in the open session of the open meeting, the presiding chair shall inform
19 the public body that all discussion during the closed session shall be limited to the permissible
20 purpose or purposes cited in the motion duly made and adopted.

21 (d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2.

22 (e) Return to Open Session. – Upon returning to open session, the presiding chair shall
23 certify during open session that all discussion during the closed session was limited to the
24 permissible purpose or purposes cited in the motion duly made and adopted. Such certification
25 shall be reduced to writing and signed by the presiding chair for inclusion in the open session
26 minutes. The certification shall not reveal any details of the closed session."

27 SECTION 2. G.S. 143-318.10(e) reads as rewritten:

28 "(e) Every public body shall keep full and accurate minutes of all official meetings,
29 including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written
30 form or, at the option of the public body, may be in the form of sound or video and sound
31 recordings. When a public body meets in closed session, it shall keep a general account of the
32 closed session so that a person not in attendance would have a reasonable understanding of what
33 transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes
34 and ~~accounts~~ accounts, and the certification of the presiding chair required by
35 G.S. 143-318.11(e), shall be public records within the meaning of Chapter 132 of the General
36 Statutes, the Public Records Law, G.S. 132-1 et seq.; provided, however, Law, except that



1 minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may
2 be withheld from public inspection so long as public inspection would frustrate the purpose of a
3 closed session."

4 **SECTION 3.** This act becomes effective October 1, 2023, and applies to open
5 meetings held on or after that date.