

**§ 14-43.17. Victim confidentiality; penalty for unlawful disclosure.**

(a) Confidentiality Requirement. – Except as otherwise provided in subsections (b) and (d) of this section, the name, address, or other information that reasonably could be expected to lead directly to the identity of any of the following, is confidential and shall not be considered a public record as that term is defined in G.S. 132-1:

- (1) A victim.
- (2) An alleged victim.
- (3) An immediate family member of a victim or alleged victim. For purposes of this subdivision, the term "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, or the spouse of an immediate family member. This term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(b) Exceptions. – Information subject to the confidentiality requirement set forth in subsection (a) of this section may be disclosed only for the following purposes:

- (1) For use in a law enforcement investigation or criminal prosecution.
- (2) To ensure the provision of medical care, housing, or family services or benefits to any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.
- (3) Upon written request by any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.
- (4) As required by federal law or court order.

(c) Penalty. – A person who knowingly violates subsection (a) of this section is guilty of a Class 3 misdemeanor.

(d) Court Records. – Except as provided in subsection (e) of this section, this section does not apply to records that have been made part of a court file in the custody of the General Court of Justice.

(e) Motion for Victim Confidentiality. – In order to retain the protections afforded to victims and alleged victims under subsection (a) of this section regarding court records otherwise excepted from those protections under subsection (d) of this section, a victim or alleged victim in a criminal case pursuant to this Article, or the victim or alleged victim's parent, legal guardian, or legal counsel if the victim or alleged victim is under 18 years of age, may at any time file a motion for victim confidentiality in the criminal case with the trial court in which the case is pending or was most recently pending.

For cases that have not yet been disposed, the court shall set a hearing date for the motion within 10 business days of the motion's filing and the moving party shall notify both the State and defendant of the motion and hearing. For cases that have previously been disposed, the court shall set a hearing date for the motion within 20 business days of the motion's filing and the moving party shall notify both the State and the defendant of the motion and hearing. The victim or alleged victim, the State, and the defendant shall have a right to be heard at the hearing.

In ruling on a motion for victim confidentiality under this subsection, the court shall at a minimum consider each of the following:

- (1) All information provided in writing or oral testimony by the victim or alleged victim, the State, or the defendant.
- (2) The negative impacts, if any, upon the victim or alleged victim if the motion is denied.
- (3) The negative impacts, if any, to the rights of the State or defendant if the motion is granted.
- (4) Any impact prejudicial to justice that may result if the motion is granted or denied.
- (5) The press' and the public's right of access to criminal case files.

If the court grants a motion for victim confidentiality under this subsection, the victim or alleged victim shall retain all protections afforded to victims and alleged victims under subsection (a) of this section, provided that nothing shall restrict the court, the State, or the defendant from accessing this information during the pendency of the case or for purposes of appeal following a disposition in the case. The granted motion shall only apply to information within the file of the criminal case pursuant to which the granted motion was filed and shall specify which information shall be confidential pursuant to this subsection.

(f) The Administrative Office of the Courts, the Clerks of Superior Court, and their officials and employees shall not be subject to civil or criminal liability for any acts or omissions that lead to the disclosure of information ordered confidential pursuant to subsection (e) of this section. (2018-75, s. 3(a); 2018-145, ss. 11(b), 23; 2024-26, s. 5(a); 2024-33, s. 26(a).)