

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 15  
Judiciary II Committee Substitute Adopted 4/25/01

Short Title: Penalties/Unauth. Disclosure Employee Info. (Public)

Sponsors:

Referred to:

January 29, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE PENALTY FOR THE MISUSE OF CONFIDENTIAL  
3 PERSONNEL INFORMATION BY A LEGISLATOR AND TO CREATE A  
4 CRIMINAL PENALTY FOR THE UNAUTHORIZED DISCLOSURE OF PUBLIC  
5 SCHOOL AND COMMUNITY COLLEGE EMPLOYEES' CONFIDENTIAL  
6 PERSONNEL INFORMATION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 126-27 reads as rewritten:  
9 **"§ 126-27. Penalty for permitting access to confidential file by unauthorized  
10 person.**

11 (a) Any public official or employee who shall knowingly and willfully permit  
12 any person not authorized under G.S. 126-24 to have access to or custody or possession  
13 of any portion of a personnel file designated as confidential by this Article, ~~unless such~~  
14 ~~person is one specifically authorized by G.S. 126-24 to have access thereto for~~  
15 ~~inspection and examination,~~ Article shall be guilty of a Class 3 misdemeanor and upon  
16 conviction shall only be fined in the discretion of the court but not in excess of five  
17 hundred dollars (\$500.00).

18 (b) Any member of the General Assembly who violates subsection (a) of this  
19 section with the intent to harass or intimidate a State employee shall be guilty of a Class  
20 A1 misdemeanor."

21 SECTION 2. Article 21A of Chapter 115C of the General Statutes is  
22 amended to add a new section to read:

23 **"§ 115C-322. Penalty for permitting access to confidential file by unauthorized  
24 person.**

25 (a) Any public official or employee who shall knowingly and willfully permit  
26 any person not authorized under G.S. 115C-321 to have access to or custody or  
27 possession of any portion of a personnel file designated as confidential by this Article  
28 shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the  
29 discretion of the court but not in excess of five hundred dollars (\$500.00).

1        (b) Any member of the General Assembly who violates subsection (a) of this  
2 section with the intent to harass or intimidate a public school employee shall be guilty  
3 of a Class A1 misdemeanor."

4                **SECTION 3.** Article 2A of Chapter 115D of the General Statutes is  
5 amended to add a new section to read:

6 **"§ 115D-30.1. Penalty for permitting access to confidential file by unauthorized**  
7 **person.**

8        (a) Any public official or employee who shall knowingly and willfully permit  
9 any person not authorized under G.S. 115D-29 to have access to or custody or  
10 possession of any portion of a personnel file designated as confidential by this Article  
11 shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the  
12 discretion of the court but not in excess of five hundred dollars (\$500.00).

13        (b) Any member of the General Assembly who violates subsection (a) of this  
14 section with the intent to harass or intimidate a community college employee shall be  
15 guilty of a Class A1 misdemeanor."

16                **SECTION 4.** This act becomes effective December 1, 2001, and applies to  
17 offenses committed on and after that date.