

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 421

Short Title: Use of Deadly Force/SBI Investigations. (Public)

Sponsors: Representatives K. Alexander; Adams, Blue, Bryant, Cotham, Faison, E. Floyd, Hall, Hughes, Jones, Mackey, Pierce, and Womble.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary III.

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE DISTRICT ATTORNEYS TO RELEASE INVESTIGATION RESULTS TO LOCAL LAW ENFORCEMENT INTERNAL AFFAIRS OR ITS EQUIVALENT, THE DECEDENT'S NEXT OF KIN, AND THE PRESS, AND TO EXPAND THE LIST OF TACTICAL WEAPONS THAT, WHEN USED BY A LAW ENFORCEMENT OFFICER WITH SUFFICIENT FORCE, CAUSE DEATH.

The General Assembly of North Carolina enacts:

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

**"§ 147-90. Investigations of uses of deadly force.**

In every instance in which a private citizen is killed as a result of the use of a ~~firearm~~ firearm, taser, taser-like device, chemical spray, or any other physical force sufficient to cause death by a law enforcement officer in the line of duty, the district attorney in the prosecutorial district in which the death occurred shall, upon the request of the surviving spouse or next of kin of the private citizen within 180 days of the death, request the State Bureau of Investigation to conduct an investigation into the incident. For purposes of this section, the term "next of kin" includes only the child, father, mother, sister, or brother of the private citizen.

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

Any report prepared for the district attorney as a result of an investigation requested pursuant to this section shall be released to the decedent's next of kin, the press, and the internal affairs unit, or its equivalent, of the agency employing the affected law enforcement officer."

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

