

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 644

Short Title: Misdemeanor/Not Produce Public Records. (Public)

Sponsors: Representatives Cleveland, Burr (Primary Sponsors); Blackwood, Brown, Burris-Floyd, Current, Gulley, Holloway, McGee, Moore, Sager, Stevens, and Tillis.

Referred to: Judiciary I, if favorable, State Government/State Personnel, if favorable, Appropriations.

March 18, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A MISDEMEANOR TO FAIL TO ALLOW PUBLIC RECORDS TO BE INSPECTED, EXAMINED, OR COPIED.

The General Assembly of North Carolina enacts:

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

"§ 132-6. Inspection and examination of records.

(a) Every custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. A violation of this subsection is a Class 2 misdemeanor. As used herein, "custodian" does not mean an agency that holds the public records of other agencies solely for purposes of storage or safekeeping or solely to provide data processing.

(b) No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.

(c) No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If it is necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, the public agency shall bear the cost of such separation on the following schedule:

State agencies after June 30, 1996;

Municipalities with populations of 10,000 or more, counties with populations of 25,000 or more, as determined by the 1990 U.S. Census, and public hospitals in those counties, after June 30, 1997;

Municipalities with populations of less than 10,000, counties with populations of less than 25,000, as determined by the 1990 U.S. Census, and public hospitals in those counties, after June 30, 1998;

Political subdivisions and their agencies that are not otherwise covered by this schedule, after June 30, 1998.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, public records relating to the proposed expansion or location of specific business or industrial projects may be withheld so long as their inspection, examination or copying would frustrate the purpose for which such public records were created; provided, however, that nothing herein shall be construed to permit the withholding of public records relating to general economic development policies or activities. Once the State, a local government, or the specific business



1 has announced a commitment by the business to expand or locate a specific project in this State
2 or a final decision not to do so and the business has communicated that commitment or decision
3 to the State or local government agency involved with the project, the provisions of this
4 subsection allowing public records to be withheld by the agency no longer apply. Once the
5 provisions of this subsection no longer apply, the agency shall disclose as soon as practicable,
6 and within 25 business days, public records requested for the announced project that are not
7 otherwise made confidential by law. An announcement that a business or industrial project has
8 committed to expand or locate in the State shall not require disclosure of local government
9 records relating to the project if the business has not selected a specific location within the State
10 for the project. Once a specific location for the project has been determined, local government
11 records must be disclosed, upon request, in accordance with the provisions of this section. For
12 purposes of this section, "local government records" include records maintained by the State
13 that relate to a local government's efforts to attract the project.

14 (e) The application of this Chapter is subject to the provisions of Article 1 of Chapter
15 121 of the General Statutes, the North Carolina Archives and History Act.

16 (f) Notwithstanding the provisions of subsection (a) of this section, the inspection or
17 copying of any public record which, because of its age or condition could be damaged during
18 inspection or copying, may be made subject to reasonable restrictions intended to preserve the
19 particular record."

20 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
21 offenses committed on or after that date.