

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 28

Short Title: DHHS to Provide Law Enforcement Information. (Public)

Sponsors: Representatives Burr, Guice, Ingle, and Randleman (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

February 3, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
3 PROVIDE LAW ENFORCEMENT OFFICERS AND AGENCIES WITH ANY
4 INFORMATION REQUESTED FOR THE PURPOSE OF LOCATING INDIVIDUALS
5 THAT ARE RECEIVING ANY SERVICES FROM THE DEPARTMENT AND FOR
6 WHOM LAW ENFORCEMENT HAS AN ACTIVE INVESTIGATION OR ANY
7 OUTSTANDING CRIMINAL PROCESS ISSUED BY A JUDICIAL OFFICIAL.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Article 18 of Chapter 15A of the General Statutes is amended by
10 adding a new section to read:

11 "Article 18.

12 "Identification Documents.

13 **§ 15A-306. Department of Health and Human Services to provide personal identification**
14 **information for service recipients to law enforcement for investigative**
15 **purposes.**

16 (a) The Department of Health and Human Services, and any division thereof, shall
17 provide personal identification information of individuals receiving any service or benefits
18 from the Department of Health and Human Services or any of its divisions when requested in
19 writing, on a form developed by the Department of Health and Human Services, by a law
20 enforcement agency or officer which states the information being requested is to further an
21 investigation or to locate a fugitive. The information requested by a law enforcement agency or
22 officer shall be limited to the following information about the individual:

23 (1) Full name.

24 (2) Date of birth.

25 (3) Social security number.

26 (4) Addresses on file, including past and present if known.

27 (5) Phone numbers on file, including past and present if known.

28 (6) Name of any immediate family member(s), if known.

29 (7) Immediate family members' addresses and phone numbers, including past
30 and present if known.

31 Information prohibited by federal law from being released shall not be subject to disclosure
32 pursuant to this section.

33 (b) For the purposes of this section, the term immediate family includes wife, husband,
34 mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, and



1 granddaughter. Also included is the step-, half-, and in-law relationships based on the listing in
2 this subsection.

3 (c) Any employee of the Department of Health and Human Services, or any of its
4 divisions, who fails to comply with a request made by a law enforcement agency or officer
5 pursuant to subsection (a) of this section shall be guilty of a Class 3 misdemeanor and shall pay
6 a fine of not less than two hundred dollars (\$200.00). It shall be an affirmative defense to this
7 subsection that the information requested by law enforcement is prohibited from being released
8 by federal law.

9 (d) Any law enforcement officer who requests information on an individual that is not
10 the subject of a documented official investigation or who, after receiving such information,
11 misuses or maliciously uses the information for personal gain shall be guilty of a Class I felony.

12 (e) The information obtained under this section shall not be a public record but shall
13 admissible as evidence in a court of competent jurisdiction pursuant to Chapter 8 of the General
14 Statutes."

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