

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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HOUSE BILL 350

Short Title: Charlotte CRB/Issue Subpoena. (Local)

Sponsors: Representatives R. Moore and Autry (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 15, 2017

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE CHARLOTTE CITIZEN REVIEW BOARD TO SUBPOENA
WITNESSES AND COMPEL THE PRODUCTION OF EVIDENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-168(c), as amended by Section 3 of S.L. 1997-305, reads as rewritten:

"(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

...
(8) In order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police, or their designees, may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition to the person alleged to have been aggrieved by the officer's actions or to that person's survivor and to members of the citizens' review board. Board members shall maintain as confidential all personnel information to which they gain access as a member of the Board. Each member of the Board shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City. For purposes of this subdivision, the 'disposition of disciplinary charges' includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the Charlotte-Mecklenburg Police Department. In the event that the citizens' review board hears an appeal of a police disciplinary case, the disposition of the case, as defined in this subdivision, as well as the facts and circumstances of the case, may be released by the city manager or the chief of police, or their designees, to any person whose presence is necessary to the appeals hearing as determined by the chief of police or his designee. In the conduct of evidentiary fact-finding proceedings, any of the following may subpoena witnesses and compel the production of evidence: (i) the chair; (ii) the vice-chair when acting in the absence of the chair; and (iii) a majority of the members of the Board. If a person fails or refuses to obey a subpoena issued pursuant to this subdivision, the Board may apply to the General Court of Justice, Superior Court Division, for an order requiring



1 that the subpoena be obeyed, and the court shall have jurisdiction to issue
2 the order after notice to all parties.
3 "
4 **SECTION 2.** This act applies to the City of Charlotte only.
5 **SECTION 3.** This act is effective when it becomes law.