

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 530

Short Title: Protect Government Whistleblowers. (Public)

Sponsors: Senators Krawiec (Primary Sponsor); and Sanderson.

Referred to: Rules and Operations of the Senate

March 30, 2017

A BILL TO BE ENTITLED

AN ACT EXEMPTING CERTAIN RECORDS FROM G.S. 132-1 IN ORDER TO PROTECT WHISTLEBLOWERS AND PROVIDING THAT A GOVERNMENT EMPLOYEE WHO REPORTS IMPROPER GOVERNMENT ACTIVITY IN GOOD FAITH IS IMMUNE FROM CIVIL LIABILITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 132 of the General Statutes is amended by adding a new section to read:

**"§ 132-1.14. Whistleblowers' communications are not public records.**

Public records as defined in G.S. 132-1 shall not include written communications (including electronic mail and other digital means) made by a government employee to any regulatory body about the improper activities of any government agency for the purpose of reporting or investigating suspected improper government activity under Article 14 of Chapter 126 of the General Statutes or G.S. 147-64.6B. For the purpose of this section, the term "regulatory body" means a federal agency or a public board, council, commission, or other governmental body of the State or of any county, municipality, or other political subdivision or unit of government."

**SECTION 2.(a)** The title of Article 43B of Chapter 1 of the General Statutes reads as rewritten:

"Article 43B.

~~"Defense of Charitable Immunity Abolished; and Qualified Immunity for  
Volunteers Immunities and Other Defenses."~~

**SECTION 2.(b)** Article 43B of Chapter 1 of the General Statutes is amended by adding a new section to read:

**"§ 1-539.13. Immunity from civil liability for reporting improper government activities.**

A government employee who reports improper government activities under Article 14 of Chapter 126 of the General Statutes, G.S. 147-64.6B, or G.S. 120-36.12(10), in good faith, is immune from civil liability if the report was made to a regulatory body as defined by G.S. 132-1.14 solely for the purpose of reporting or investigating suspected improper government activity. A government employee is not immune from civil liability if the report was made in bad faith."

**SECTION 3.** This act is effective when it becomes law and applies to civil actions commenced on or after that date.

