

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30356-LR-99C

Short Title: Law Enforcement Agency Recordings. (Public)

Sponsors: Representative Faircloth.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND G.S. 132-1.4A REGARDING LAW ENFORCEMENT AGENCY
3 RECORDINGS AND G.S. 143-318.11 CONCERNING CLOSED SESSIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 132-1.4A reads as rewritten:

6 "§ 132-1.4A. Law enforcement agency recordings.

7 (a) Definitions. – The following definitions apply in this section:

8 (1) Body-worn camera. – An operational video or digital camera or other
9 electronic device, including a microphone or other mechanism for allowing
10 audio capture, affixed to the uniform or person of law enforcement agency
11 personnel and positioned in a way that allows the camera or device to capture
12 interactions the law enforcement agency personnel has with others.

13 (1a) Citizens' review board. – A board or commission, by whatever name, legally
14 constituted and empowered by a city council or board of county
15 commissioners to review law enforcement matters or complaints against a law
16 enforcement agency and individual officers.

17 (2) Custodial law enforcement agency. – The law enforcement agency that owns
18 or leases or whose personnel operates the equipment that created the recording
19 at the time the recording was made.

20 (3) Dashboard camera. – A device or system installed or used in a law
21 enforcement agency vehicle that electronically records images or audio
22 depicting interaction with others by law enforcement agency personnel. This
23 term does not include body-worn cameras.

24 (3a) Deceased person. – A person whose image or voice is captured in a recording
25 and who was living at the time the recording began and died during or
26 subsequent to the event captured in the recording.

27 (4) Disclose or disclosure. – To make a recording available for viewing or
28 listening to by the person requesting disclosure, at a time and location chosen
29 by the custodial law enforcement agency. This term does not include the
30 release of a recording.

31 (5) Personal representative. – A parent, court-appointed guardian, spouse, or
32 attorney of a person whose image or voice is in the recording. If a person
33 whose image or voice is in the recording is deceased, the term also means the
34 personal representative of the estate of the deceased person; the deceased
35 person's surviving spouse, parent, or adult child; the deceased person's
36 attorney; or the parent or guardian of a surviving minor child of the deceased.



- 1 (6) Recording. – A visual, audio, or visual and audio recording captured by a
 2 body-worn camera, a dashboard camera, or any other video or audio recording
 3 device operated by or on behalf of a law enforcement agency or law
 4 enforcement agency personnel when carrying out law enforcement
 5 responsibilities. This term does not include any video or audio recordings of
 6 interviews regarding agency internal investigations or interviews or
 7 interrogations of suspects or witnesses.
 8 (7) Release. – To provide a copy of a recording.

9 ...
 10 (h) Release of Recordings; Law Enforcement Judicial Purposes. – Notwithstanding the
 11 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency
 12 shall disclose or release a recording to a district attorney (i) for review of potential criminal
 13 charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for
 14 use in criminal proceedings in district court, or (iv) any other law enforcement purpose, and may
 15 disclose or release a recording for any of the following purposes: purpose.

- 16 (1) For law enforcement training purposes.
 17 (2) Within the custodial law enforcement agency for any administrative, training,
 18 or law enforcement purpose.
 19 (3) To another law enforcement agency for law enforcement purposes.

20 (h1) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the
 21 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency
 22 may disclose or release a recording as follows:

- 23 (1) For law enforcement training purposes.
 24 (2) Within the custodial law enforcement agency for any administrative, training,
 25 or law enforcement purpose.
 26 (3) To another law enforcement agency for law enforcement purposes.
 27 (4) For investigative purposes, a single or limited number of randomly selected
 28 still images, depicting a face or other identifying characteristic, extracted from
 29 a recording as necessary to identify or locate a potential criminal suspect.

30 (h2) Disclosure of Recordings; Local Government Purposes. – Notwithstanding the
 31 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency
 32 may disclose a recording for any of the following purposes:

- 33 (1) To the municipal or county manager, upon the manager's request and subject
 34 to the signing of a confidentiality agreement.
 35 (2) To the municipal council or board of county commissioners in closed session,
 36 upon the recommendation of the municipal or county manager, subject to
 37 majority vote of the council or board with each viewing council member or
 38 county commissioner having signed a confidentiality agreement.
 39 (3) To a citizens' review board in a closed session with each review board member
 40 having signed a confidentiality agreement.

41 Any person who knowingly violates the confidentiality agreement required by this subsection
 42 is guilty of a Class 1 misdemeanor.

43 ...
 44 (n) Uniformity of Regulation. – A municipality or county shall not enact any ordinance
 45 or regulation relating to the release of law enforcement agency recordings, and this section
 46 preempts any existing county or municipal ordinances or regulations on its subject matter."

47 **SECTION 2.** G.S. 143-318.11(a) reads as rewritten:

48 "(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held
 49 only when required to permit a public body to act in the public interest as permitted in this section.
 50 A public body may hold a closed session and exclude the public only when a closed session is
 51 required:

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...

(10) To view a recording ~~released pursuant to~~regulated under G.S. 132-1.4A."

SECTION 3. This act is effective when it becomes law.