



HOUSE BILL 1080: Guilford Co. Animal Control Records.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 20, 2018
Introduced by:	Reps. Hardister, Blust, Brockman, Quick	Prepared by:	Brad Krehely Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: *House Bill 1080 would do the following:*

- *Part I would declare personal identifying information held by the Guilford County animal services agency not to be public records, but allow the county to disclose that information at its discretion.*
- *Part II would provide that the Greensboro city manager, the chief of police, or their designees may release the disposition of disciplinary charges against a police officer and the facts upon which that disposition is based to the Criminal Justice Advisory Commission and its subcommittee, the Police Community Review Board, (was, the city's Human Relations Commission Complaint Subcommittee) and the allegedly aggrieved person or that person's survivor.*

The act would be effective when it becomes law.

PART I. RELEASE OF ANIMAL SERVICE RECORDS IN GUILFORD COUNTY

CURRENT LAW: Chapter 132 of the General Statutes governs public records and makes all documents of a public entity that are not specifically excluded a public record.

Public records are "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."

Every custodian of public records is required to allow the public record in their custody to be inspected and examined at reasonable times and under reasonable supervision, as well as furnish copies thereof upon payment of fees. No person requesting to inspect, examine, or copy public records may be required to disclose the purpose or motive of the request.

BILL ANALYSIS: For Guilford County only, Section 1 would exempt from public records any personal identifying information held by the county animal services agency related to any of the following individuals:

- An individual who voluntarily surrendered ownership of an animal to an animal shelter.
- An individual who adopted a shelter animal.
- An individual to whom a shelter animal has been placed through a foster program.

Karen Cochrane-Brown
Director



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Remaining a public record would be the identity of any animal rescue organization with whom the county places an animal. The county, in its' discretion, could disclose personal identifying information related to the county animal services agency that is not a public record.

PART II. AUTHORIZE THE CITY OF GREENSBORO TO DISCLOSE CERTAIN INFORMATION

CURRENT LAW: G.S. 160A-168 limits disclosure of personnel files and personnel information of city employees. There is a narrow set of information that is a matter of public record (i.e. name, age, date of original employment, title, current, position, salary, etc.). G.S. 160A-168(b). All other information in a city employee's personnel file is confidential except for seven exceptions. G.S. 160A-168(c).

S.L. 2001-20 was a local modification to the statute which gave the City of Greensboro an additional exception to allow the Greensboro city manager or chief of police to inform the city's Human Relations Commission Complaint Subcommittee of the disposition of disciplinary charges against a police officer and the facts upon which that disposition is based. The city manager or chief of police are also authorized to disclose the disposition to the allegedly aggrieved person or that person's survivor. Commission members have to maintain the confidentiality of file information that is not public record; for violating this provision, persons are subject to Class 3 misdemeanor criminal prosecution. Each Commission member must execute and adhere to a confidentiality agreement satisfactory to the city.

BILL ANALYSIS: For the City of Greensboro only, Section 2 would provide that the city manager, the chief of police, or their designees may release the disposition of disciplinary charges against a police officer and the facts upon which that disposition is based to the Criminal Justice Advisory Commission and its subcommittee, the Police Community Review Board (was, the city's Human Relations Commission Complaint Subcommittee), and the allegedly aggrieved person or that person's survivor. The Criminal Justice Advisory Commission and its subcommittee, the Police Community Review Board, would have to adhere to the same requirements that currently apply to the Human Relations Commission Complaint Subcommittee.

PART III. EFFECTIVE DATE: The act would be effective when it becomes law.

Erika Churchill, Staff Attorney for the Legislative Analysis Division, contributed substantially to the drafting of this summary.