



HOUSE BILL 304: Protect Personal Info/LEOs, Judges, DAs.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2021-2022 General Assembly

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| Committee: | House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | April 28, 2021 |
| Introduced by: | Reps. McNeill, Hardister, Faircloth, Miller | Prepared by: | Brad Krehely |
| Analysis of: | First Edition | | Committee Co-Counsel |

OVERVIEW: House Bill 304 requires counties and cities to remove personal information from websites maintained by counties and cities when requested by certain law enforcement personnel, prosecutors, and judicial officers and makes clarifications to the personnel records of law enforcement officers. The act is effective when it becomes law.

BILL ANALYSIS:

Section 1 requires counties to develop a process by which certain persons may request that the county remove the person's or the person's spouse's personal information, including address and phone number, from any website maintained by the county and available to the public. The following persons may make this request:

- A federal, State, or local law enforcement officer.
- A State judge, justice, or magistrate.
- A district attorney or assistant district attorney.
- A prosecutor employed by the North Carolina Department of Justice.
- A U.S. Attorney or Assistant U.S. Attorney.
- A federal judge.

The request must be in writing and include all of the following: (1) the name of the person making the request, (2) information indicating that the person is eligible to make the request, and (3) the specific information to be removed.

The county must remove the information if properly requested under these provisions, and the information must not be placed on the website again unless the county receives written notification from the person who made the original request.

The request to remove information and the revocation of the request are not public records. Information removed from the website continues to be a public record if it otherwise would be subject to disclosure under the State's public records law.

Section 1 provides immunity from liability for counites, officers, officials, employees, and agents (both past and present) for acting in good faith in implementing these provisions. However, officials, agents, and employees may be subject to liability as an individual if the person's actions were outside the scope of their official duties.

Section 2 creates identical requirements for cities in newly created G.S. 160A-208.2.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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Sections 3 and 4 amend the statutes governing disclosure of employee personnel files for counties (G.S. 153-98) and cities (G.S.160A-168) that prohibit disclosure of certain information regarding a sworn law enforcement officer. These sections clarify that the statutes apply to sworn law enforcement officers employed by the county or city respectively and make other clarifying changes.

EFFECTIVE DATE: The act is effective when it becomes law. Counties and cities must implement the processes described in Sections 1 and 2 by October 1, 2021.