



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

2021-2022 General Assembly

Committee: House Floor	Date: May 6, 2021
Introduced by: Reps. McNeill, Hardister, Faircloth, Miller	Prepared by: Brad Krehely
Analysis of: Third Edition	Staff Attorney

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, public defenders, 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 physical address and phone number, but not the name of the individual) 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 public defender or assistant public defender.
- 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 personal information to be removed.

The county must remove the personal information if properly requested under these provisions, and the personal 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 personal remove information and the revocation of the request are not public records. Personal 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.

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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.