



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

# SENATE BILL 80: State Auditor Disclosure and Discovery Act.

2023-2024 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	March 24, 2023
<b>Introduced by:</b>	Sens. Britt, Craven, Perry	<b>Prepared by:</b>	Bill Patterson
<b>Analysis of:</b>	Senate Bill 80, First Edition, as amended by S80-ATG-19		Committee Co-Counsel

**OVERVIEW:** Senate Bill 80, as amended by S80-ATG-19, would modify provisions governing the State Auditor's obligation to make records pertaining to an audit or investigation available for inspection to State or federal government officials seeking access to such records in connection with a criminal investigation or other official matter.

**CURRENT LAW:** The responsibilities of the State Auditor are set forth in Article 5A of Chapter 147 of the General Statutes. Under current law, pertinent work papers and other supportive material related to an audit or investigation may, in the discretion of the Auditor, and unless otherwise prohibited by law, be made available for inspection by authorized State and federal government representatives seeking access to the records in connection with a criminal investigation or other official matter.

**BILL ANALYSIS:** Section 1 of the bill, as amended, would:

- Provide that unless otherwise prohibited by law, the Auditor shall make available pertinent work papers and other supportive material related to an audit or investigation for inspection to any State or federal government representatives seeking access to them in connection with a criminal investigation or other official matter.
- Provide that if the Auditor withholds from production any requested papers or supportive material based on a claim that such production is prohibited by law, the Auditor is required to:
  - Provide a citation to the specific law prohibiting such production.
  - Describe the nature of the papers or supportive material withheld from production in a manner sufficient to permit the requesting party to assess the claim.
- Provide that the requesting party can challenge the Auditor's asserted basis for having withheld production of requested papers or supportive material by commencing a civil action in superior court, in which the requesting party would bear the burden of proving that production of the withheld papers or supportive material is not prohibited by law.

**EFFECTIVE DATE:** This act is effective when it becomes law.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578