



SENATE BILL 80: State Auditor Disclosure and Discovery Act.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 4, 2023
Introduced by:	Sens. Britt, Craven, Perry	Prepared by:	Bill Patterson
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 80 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 official civil or criminal investigations or potential prosecution conducted under the authority of their office.*

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 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 such records in connection with official civil or criminal investigations or potential prosecutions conducted under the authority of their office.
- Provide that if the Auditor withholds the production of any requested papers or supportive material based on a claim that their production is prohibited by law, the Auditor is required to:
 - Provide a citation to the specific law prohibiting their 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 commence a civil action in superior court to challenge the Auditor's asserted basis for withholding production of requested papers or supportive material, in which the requesting party would bear the burden of proving that production of the papers or supportive material is not prohibited by law.

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

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