

March 24, 2005

**S 933. IMMUNITY/CERTAIN PUBLIC OFFICERS/INDIVIDUALS. TO PROTECT CERTAIN PUBLIC OFFICERS AND EMPLOYEES FROM LIABILITY IN THEIR INDIVIDUAL CAPACITIES FOR GOOD FAITH OR REASONABLE REPORTING OF CRIMINAL ACTIVITY.** Adds new GS 115C-43.1, providing that officers and employees of local boards of education may be liable in their individual capacities on a state law claim for reporting information or evidence to their immediate supervisors or any law enforcement agency regarding suspected criminal activity on school grounds, at school activities, or at any place where the conduct may result in destruction or misappropriation of school property or adversely impact public safety or operation of the schools, only if there is proof by clear and convincing evidence that the officer or employee both acted maliciously and had no objectively reasonable basis for making a report. A claim of such liability will be summarily dismissed (1) unless accompanied by sworn affidavits as a proffer of evidence to support the claim or (2) if the proffer of proof does not establish a prima facie case. Enacts comparable provisions for county officers and employees, in GS 153A-97.1; for city officers and employees, in GS 160A-167.1; and for state officers and employees, in GS 143-300.11.

**Intro. by Hartsell.**

Ref. to Judiciary II

GS 115C, 143, 153A, 160A