

March 4, 2009

H 421. USE OF DEADLY FORCE/SBI INVESTIGATIONS. Filed 3/4/09. *TO REQUIRE DISTRICT ATTORNEYS TO RELEASE INVESTIGATION RESULTS TO LOCAL LAW ENFORCEMENT INTERNAL AFFAIRS OR ITS EQUIVALENT, THE DECEDENT'S NEXT OF KIN, AND THE PRESS, AND TO EXPAND THE LIST OF TACTICAL WEAPONS THAT, WHEN USED BY A LAW ENFORCEMENT OFFICER WITH SUFFICIENT FORCE, CAUSE DEATH.*

Amends GS 147-90 to require an investigation by the State Bureau of Investigation, when requested of the district attorney by a surviving spouse or next of kin, into any instance in which a private citizen is killed as a result of the use of a firearm, taser, taser-like device, chemical spray, or any other physical force sufficient to cause death (was, as a result of the use of a firearm) by a law enforcement officer in the line of duty. Requires any report prepared for the district attorney as a result of an investigation requested under this statute to be released to the decedent's next of kin, the press, and the internal affairs unit of the agency employing the affected law enforcement officer. Removes the provision that (1) provides that statements prepared by or on the behalf of a district attorney under this statute are not public record and (2) allows for the release of the statements by the district attorney only as provided under GS 132-1.4.

Intro. by K. Alexander.

GS 147

April 30, 2009

H 421. USE OF DEADLY FORCE/SBI INVESTIGATIONS. Filed 3/4/09. House committee substitute makes the following changes to 1st edition. Amends GS 147-90 to apply to investigations of specified uses of force (was, investigations of uses of deadly force). Requires the district attorney in the district where the death of a private citizen occurs immediately following an incident involving the use of an electronic control device (ECD) (was, taser and taser-like device), chemical spray, or physical force by a law enforcement officer in the line of duty, upon the request of a surviving spouse or next of kin, to request the State Bureau of Investigation to conduct an investigation into the incident. Reinstates provision that statements prepared by or on behalf of a district attorney under this section are not public records as defined by GS 132-1 and amends this provision to also apply to reports prepared by or on the behalf of the district attorney. Provides that an executive summary of any report (was, report) prepared for the district attorney as a result of an investigation requested under this section is to be released to the decedent's next of kin, or the head of the law enforcement agency of the involved law enforcement officer, or both, upon their respective requests. Also provides that the executive summary may be released to any other person upon request of the decedent's next of kin. Deletes the requirement that any report prepared by request for the district attorney is to be released to the press and the internal affairs unit or its equivalent of the affected law enforcement officer.