

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 421
PROPOSED COMMITTEE SUBSTITUTE H421-PCS10904-RV-27

Short Title: Use of Deadly Force/SBI Investigations.

(Public)

Sponsors:

Referred to:

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE LIST OF TACTICAL FORCE THAT, WHEN USED BY A LAW ENFORCEMENT OFFICER, MAY CAUSE A DEATH THAT IS SUBJECT TO SBI INVESTIGATION AND TO REQUIRE THE RELEASE OF A SUMMARY OF THE INVESTIGATION RESULTS TO LOCAL LAW ENFORCEMENT AND THE DECEDENT'S NEXT OF KIN AND OTHERS UPON REQUEST OF SPECIFIED PARTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 147-90 reads as rewritten:

"§ 147-90. Investigations of specified uses of deadly force.

(a) In every instance in which a private citizen is killed as a result of the use of a firearm by a law enforcement officer in the line of duty, or in which a private citizen dies immediately following an incident involving the use of an electronic control device (ECD), chemical spray, or physical force by a law enforcement officer in the line of duty, the district attorney in the prosecutorial district in which the death occurred shall, upon the request of the surviving spouse or next of kin of the private citizen within 180 days of the death, request the State Bureau of Investigation to conduct an investigation into the incident. For purposes of this section, the term "next of kin" includes only the child, father, mother, sister, or brother of the private citizen.

(b) Statements and reports prepared by or on behalf of a district attorney pursuant to this section are not public records as defined by G.S. 132-1 and may be released by the district attorney only as provided by G.S. 132-1.4 or other applicable law.

(c) An executive summary of any report prepared for the district attorney as a result of an investigation requested pursuant to this section shall be released to the decedent's next of kin, or to the head of the law enforcement agency of the affected law enforcement officer, or both, upon their respective request. The executive summary may be released to any other person upon the request of the decedent's next of kin."

SECTION 2. This act is effective when it becomes law.



* H 4 2 1 - P C S 1 0 9 0 4 - R V - 2 7 *