



ADMITTED
NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 143

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S143-ALB-128 [v.1]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [YES]
First Edition

Date 6/16, 2011

Representative Randleman

1 moves to amend the bill on page 1, line 3, by adding the following immediately before the
2 period "AND TO PROVIDE THAT OFFENDERS ARE PROHIBITED FROM OBTAINING
3 PUBLIC EMPLOYEE'S PERSONNEL RECORDS"
4

5 moves to amend the bill on page 1, line 19, by adding the following between lines 19 and 20:

6 "SECTION 1.1.(a) The General Assembly finds that allowing inmates,
7 probationers, parolees, and post-release supervisees to access public employees' personnel files
8 that are public records under State law exposes those public employees to the risk of
9 harassment and even violence. The General Assembly further finds that such offenders, due to
10 their status as inmates, probationers, parolees, and post-release supervisees, are not entitled to
11 the same privileges and rights exercised by members of the general public and should be
12 prohibited from accessing public employees' personnel files in the interest of protecting those
13 public employees from harm.

14 SECTION 1.1.(b) G.S. 126-23 reads as rewritten:

15 "§ 126-23. Certain records to be kept by State agencies open to inspection.

16 (a) Each department, agency, institution, commission and bureau of the State shall
17 maintain a record of each of its employees, showing the following information with respect to
18 each such employee:

- 19 (1) Name.
- 20 (2) Age.
- 21 (3) Date of original employment or appointment to State service.
- 22 (4) The terms of any contract by which the employee is employed whether
23 written or oral, past and current, to the extent that the agency has the written
24 contract or a record of the oral contract in its possession.
- 25 (5) Current position.
- 26 (6) Title.
- 27 (7) Current salary.
- 28 (8) Date and amount of each increase or decrease in salary with that department,
29 agency, institution, commission, or bureau.
- 30 (9) Date and type of each promotion, demotion, transfer, suspension, separation,
31 or other change in position classification with that department, agency,
32 institution, commission, or bureau.



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- 1 (10) Date and general description of the reasons for each promotion with that
2 department, agency, institution, commission, or bureau.
3 (11) Date and type of each dismissal, suspension, or demotion for disciplinary
4 reasons taken by the department, agency, institution, commission, or bureau.
5 If the disciplinary action was a dismissal, a copy of the written notice of the
6 final decision of the head of the department setting forth the specific acts or
7 omissions that are the basis of the dismissal.
8 (12) The office or station to which the employee is currently assigned.
9 (b) For the purposes of this section, the term "salary" includes pay, benefits, incentives,
10 bonuses, and deferred and all other forms of compensation paid by the employing entity.
11 (c) Subject only to rules and regulations for the safekeeping of the records, adopted by
12 the State Personnel Commission, every person having custody of such records shall permit
13 them to be inspected and examined and copies thereof made by any person during regular
14 business hours. Any Except as provided in subsection (d) of this section, any person who is
15 denied access to any such record for the purpose of inspecting, examining or copying the same
16 shall have a right to compel compliance with the provisions of this section by application to a
17 court of competent jurisdiction for a writ of mandamus or other appropriate relief.
18 (d) Notwithstanding any other provision of this section, persons in the custody of, or
19 under the supervision of, the Department of Correction and persons in the custody of local
20 confinement facilities are not entitled to access to the records made public under this section
21 and are prohibited from obtaining those records, absent a court order authorizing access to, or
22 custody, or possession.
23 (e) An attorney investigating allegations of unlawful misconduct or abuse by a
24 Department of Correction employee may request, and shall be provided with, information
25 sufficient to identify the full name or names of the employee alleged to be involved in the
26 misconduct or abuse in the current position of the employee within the Department; or, the last
27 position held by the employee and the last date of employment by the Department. The attorney
28 may not give the offender copies of departmental records or official documents absent a court
29 order authorizing access to, or custody, or possession.
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ADOPTED

SIGNED Rep. Ashley Sandles
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 108-7 EV FAILED _____ TABLED _____

JUN 16 2011
Hille
Kerise Wecker