

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 142
PROPOSED COMMITTEE SUBSTITUTE H142-PCS80077-SA-3

Short Title: Provide Access to Campus Police Records. (Public)

Sponsors:

Referred to:

February 25, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION MAINTAINED
3 BY CAMPUS POLICE AGENCIES AFFILIATED WITH PRIVATE, NONPROFIT
4 INSTITUTIONS OF HIGHER EDUCATION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The catch line of G.S. 74G-5 reads as rewritten:
7 "§ 74G-5. Records.Campus police program records."

8 SECTION 2. Chapter 74G of the General Statutes is amended by adding a new
9 section to read:

10 "§ 74G-5.1. Campus police agency records."

11 (a) Each campus police agency is the legal custodian of all books, papers, documents,
12 records of criminal investigations or of criminal intelligence information, or other records and
13 property maintained by the campus police agency. Books, papers, documents, records of
14 criminal investigations or of criminal intelligence information, or other records maintained by a
15 campus police agency that is affiliated with a private, nonprofit institution of higher education
16 shall not be public records as that term is defined in G.S. 132-1.

17 (b) As used in this section:

18 (1) "Violation of the law" means crimes and offenses that are prosecutable as
19 misdemeanors or felonies in the criminal courts in this State or the United
20 States.

21 (2) "Complaining witness" means an alleged victim or other person who reports
22 a violation or apparent violation of the law to a campus police agency.

23 (c) Notwithstanding the provisions of subsection (a) of this section, as a condition of
24 certification, a campus police agency affiliated with a private, nonprofit institution of higher
25 education shall, upon request by any person and subject to the provisions and implementing
26 regulations of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus
27 Crime Statistics Act, 20 U.S.C. § 1092(f), and the federal Family Educational Rights and
28 Privacy Act, 20 U.S.C. § 1232g, permit the following information maintained by the campus
29 police agency to be inspected at reasonable times and under reasonable supervision:

30 (1) The time, date, location, and nature of a violation or apparent violation of the
31 law reported to the campus police agency.

32 (2) The name, sex, age, address, employment, and alleged violation of law of a
33 person arrested or formally charged or indicted for an alleged violation of
34 law in a court of competent jurisdiction.

35 (3) The circumstances surrounding an arrest, including the time and place of the
36 arrest, whether the arrest involved resistance, possession or use of weapons,



1 or pursuit, and a description of any items seized in connection with the
2 arrest.

3 (4) The contents of emergency telephone calls received by or on behalf of the
4 campus police agency, except for such contents that reveal the natural voice,
5 name, address, telephone number, or other information that may identify the
6 caller, victim, or witness. In order to protect the identity of the complaining
7 witness, the contents of emergency telephone calls may be released pursuant
8 to this section in the form of a written transcript or altered voice
9 reproduction; provided that the original shall be provided under process to
10 be used as evidence in any relevant civil or criminal proceeding.

11 (5) The contents of communications between or among employees of the
12 campus police agency pertaining to the information described in
13 subdivisions (1) through (4) of this subsection that are broadcast over the
14 public airways.

15 (6) The name, sex, age, and address of a complaining witness.

16 (7) The daily log of crimes reported to the campus police agency that is
17 maintained pursuant to the federal Jeanne Clery Disclosure of Campus
18 Security Policy and Campus Crime Statistics Act and implementing
19 regulations.

20 (d) The campus police agency shall furnish copies of the information requested in
21 subsection (c) of this section upon payment of the actual cost of reproducing the information.
22 Any person denied access to or copies of the information listed in subsection (c) of this section
23 may apply to a court of competent jurisdiction for an order compelling disclosure of the
24 information.

25 (e) A campus police agency shall temporarily withhold the name or address of a
26 complaining witness if release of the information is reasonably likely to pose a threat to the
27 mental health, physical health, or personal safety of the complaining witness or materially
28 compromise an ongoing or future criminal investigation or criminal intelligence operation.
29 Information temporarily withheld under this subsection shall be made available for inspection
30 or copying as soon as the circumstances that justify withholding it cease to exist. Any person
31 denied access to information withheld under this subsection may apply to a court of competent
32 jurisdiction for an order compelling disclosure of the information. In such action, the court shall
33 balance the interests of the requesting individual in disclosure against the interests of the
34 campus police agency and the alleged victim in withholding the information.

35 (f) If a campus police agency believes that the release of information listed in
36 subsection (c) of this section will jeopardize the right of the State to prosecute a defendant or
37 the right of a defendant to receive a fair trial, will undermine an ongoing or future investigation,
38 or will violate the provisions and implementing regulations of the federal Jeanne Clery
39 Disclosure of Campus Security Policy and Campus Crime Statistics Act or the federal Family
40 Educational Rights and Privacy Act, it may seek an order from a court of competent
41 jurisdiction to prevent disclosure of the information.

42 (g) Actions brought pursuant to subsection (d), (e), or (f) of this section shall be set
43 down for immediate hearing, and subsequent proceedings in such actions shall be accorded
44 priority by the trial and appellate courts.

45 (h) Nothing in this section shall be construed as requiring campus police agencies to
46 disclose the following:

47 (1) Information that would not be required to be disclosed under Chapter 15A of
48 the General Statutes.

49 (2) Information that is reasonably likely to identify a confidential informant.

1 (i) Campus police agencies shall not be required to maintain any recordings of
2 emergency telephone calls for more than 30 days from the time of the call, unless a court of
3 competent jurisdiction orders a portion sealed."

4 **SECTION 3.** This act is effective when it becomes law.