

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS45260-MH-102 (03/13)

Short Title: PI Access to Criminal Court Records.

(Public)

Sponsors: Senator Brock (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW LICENSED PRIVATE INVESTIGATORS TO ACCESS THE  
3 ADMINISTRATIVE OFFICE OF THE COURTS REAL-TIME CRIMINAL RECORDS  
4 INFORMATION SYSTEM.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 1 of Chapter 74C of the General Statutes is amended by  
7 adding a new section to read:

8 **"§ 74C-24. Private Investigator access to criminal court records.**

9 (a) Access. – In order to assist private investigators in conducting investigations  
10 regarding any of the matters set forth in G.S. 74C-3(a)(8), the Administrative Office of the  
11 Courts shall provide any individual with a current license issued under this Chapter to act as a  
12 private investigator with access to search criminal records in the Administrative Office of the  
13 Courts' real-time criminal information systems.

14 (b) Conditions and limitations. – Access provided under subsection (a) of this section  
15 shall:

16 (1) Be limited to information systems containing general criminal case  
17 information as maintained by the clerks of superior court. Access shall not  
18 include systems for the production of criminal process by law enforcement  
19 officials and judicial officials under G.S. 15A-301.1 or other information not  
20 subject to public disclosure.

21 (2) Be without charge for individual searches of the Administrative Office of the  
22 Courts' criminal information systems except as expressly provided in this  
23 subdivision. The Administrative Office of the Courts shall charge initial  
24 setup fees equivalent to its fees for governmental agencies granted access to  
25 its systems to each individual granted access pursuant to subsection (a) of  
26 this section in order to defray the costs of establishing access. However, a  
27 private investigator that has access to the Administrative Office of the  
28 Courts' criminal information systems as of July 1, 2015, shall not be charged  
29 setup fees.

30 (c) All hardware, software, telecommunications charges, or other expenditures required  
31 for such access shall be the sole responsibility of the individual private investigator. No State  
32 funds may be expended for such expenses.

33 (d) The Commissioner shall coordinate the access granted under subsection (a) of this  
34 section by providing all information requested by the Administrative Office of the Courts for  
35 the establishment of access. The Administrative Office of the Courts shall not provide access to  
36 any private investigator who fails to provide all information requested by the Commissioner.



1       (e) The Director of the Private Protective Services Board shall notify the  
2 Administrative Office of the Courts within 24 hours of any action to suspend or revoke a  
3 private investigator's license or authority to act as a private investigator. The Administrative  
4 Office of the Courts shall immediately revoke access of the suspended or revoked private  
5 investigator to its criminal information systems.

6       (f) The Administrative Office of the Courts shall provide to the Director of the Private  
7 Protective Services Board copies of its current policies for access to court information systems  
8 for users outside the Judicial Branch. Any private investigator granted access pursuant to  
9 subsection (a) of this section shall adhere to all such policies. The Administrative Office of the  
10 Courts shall revoke access of any private investigator violating those policies.

11       (g) It is unlawful for any person to willfully do any of the following:

12           (1) For any person to access information systems of the Administrative Office  
13 of the Courts by means of an online identifier, as defined in  
14 G.S. 14-208.6(1n), that was assigned to another individual by the  
15 Administrative Office of the Courts pursuant to subsection (a) of this  
16 section.

17           (2) For any private investigator granted access pursuant to subsection (a) of this  
18 section to allow any other person, directly or indirectly, to make use of  
19 access granted to the private investigator pursuant to subsection (a) of this  
20 section. The prohibition in this subsection shall not apply to persons  
21 employed by and under the direct supervision of the private investigator.

22           (3) For any private investigator granted access pursuant to subsection (a) of this  
23 section to make use of that access at any time when the private investigator  
24 knows or has reason to know that the investigator's license issued under this  
25 Article is in a state of suspension or revocation.

26           (4) For any private investigator granted access pursuant to subsection (a) of this  
27 section to distribute, in any medium or manner, information obtained from  
28 the information systems of the Administrative Office of the Courts to any  
29 person for any reason not directly related to the evaluation of the individual  
30 to whom the information pertains for the purposes of criminal records  
31 history checks without the express written consent of that individual.

32       Unless the conduct is covered under some other provision of law providing for a greater  
33 punishment, any violation of this subsection shall be a Class H felony."

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