

# FAILED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 972

AMENDMENT NO. A2  
(to be filled in by  
Principal Clerk)

H972-ASA-188 [v.2]

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Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2016

Representative W. Richardson

1 moves to amend the bill on page 2, lines 33-49  
2 by rewriting those lines to read:

3 "(d) Disclosure; Presumption. – Upon receipt of the written request for disclosure, as  
4 promptly as possible, the custodial law enforcement agency must either disclose the portion of the  
5 recording relevant to the person's request or notify the requestor of the custodial law enforcement  
6 agency's decision not to disclose the recording to the requestor.

7 If the person requesting disclosure is a person authorized to receive disclosure pursuant to  
8 subsection (c) of this section, there is a presumption that the custodial law enforcement agency  
9 will disclose the recording. The custodial law enforcement agency may not deny disclosure unless  
10 they find that one of the following factors applies and that factor should outweigh the presumption  
11 to disclose:

- 12 (1) The recording contains information that is otherwise confidential or exempt  
13 from disclosure or release under State or federal law.  
14 (2) Disclosure would reveal information regarding a person that is of a highly  
15 sensitive personal nature.  
16 (3) Disclosure may harm the reputation or jeopardize the safety of a person.  
17 (4) Disclosure would create a serious threat to the fair, impartial, and orderly  
18 administration of justice.  
19 (5) Confidentiality is necessary to protect either an active or inactive internal or  
20 criminal investigation or potential internal or criminal investigation."  
21

22 And on page 3, lines 23-38

23 By rewriting those lines to read:

24 "the recording. There is a presumption that the court will order the release of the recording unless  
25 the court finds one of the following factors applies and further finds that factor to be compelling  
26 good cause to not release the recording:

- 27 (1) The recording contains information that is otherwise confidential or exempt  
28 from disclosure or release under State or federal law.  
29 (2) Release would reveal information regarding a person that is of a highly  
30 sensitive personal nature.  
31 (3) Release may harm the reputation or jeopardize the safety of a person.



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- 1           (4) Release would create a serious threat to the fair, impartial, and orderly  
2           administration of justice.  
3           (5) Confidentiality is necessary to protect either an active or inactive internal or  
4           criminal investigation or potential internal or criminal investigation."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
House Principal Clerk's Office**