

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL DRS45348-LR-84A (03/17)

Short Title: Protect Government Whistleblowers. (Public)

Sponsors: Senator Krawiec (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT EXEMPTING CERTAIN RECORDS FROM G.S. 132-1 IN ORDER TO PROTECT  
3 WHISTLEBLOWERS AND PROVIDING THAT A GOVERNMENT EMPLOYEE WHO  
4 REPORTS IMPROPER GOVERNMENT ACTIVITY IN GOOD FAITH IS IMMUNE  
5 FROM CIVIL LIABILITY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 132 of the General Statutes is amended by adding a new  
8 section to read:

9 **"§ 132-1.14. Whistleblowers' communications are not public records.**

10 Public records as defined in G.S. 132-1 shall not include written communications (including  
11 electronic mail and other digital means) made by a government employee to any regulatory  
12 body about the improper activities of any government agency for the purpose of reporting or  
13 investigating suspected improper government activity under Article 14 of Chapter 126 of the  
14 General Statutes or G.S. 147-64.6B. For the purpose of this section, the term "regulatory body"  
15 means a federal agency or a public board, council, commission, or other governmental body of  
16 the State or of any county, municipality, or other political subdivision or unit of government."

17 **SECTION 2.(a)** The title of Article 43B of Chapter 1 of the General Statutes reads  
18 as rewritten:

19 "Article 43B.

20 "~~Defense of Charitable Immunity Abolished; and Qualified Immunity for~~  
21 ~~Volunteers Immunities and Other Defenses."~~

22 **SECTION 2.(b)** Article 43B of Chapter 1 of the General Statutes is amended by  
23 adding a new section to read:

24 **"§ 1-539.13. Immunity from civil liability for reporting improper government activities.**

25 A government employee who reports improper government activities under Article 14 of  
26 Chapter 126 of the General Statutes, G.S. 147-64.6B, or G.S. 120-36.12(10), in good faith, is  
27 immune from civil liability if the report was made to a regulatory body as defined by  
28 G.S. 132-1.14 solely for the purpose of reporting or investigating suspected improper  
29 government activity. A government employee is not immune from civil liability if the report  
30 was made in bad faith."

31 **SECTION 3.** This act is effective when it becomes law and applies to civil actions  
32 commenced on or after that date.

