

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS15220-ND-69

Short Title: Release Body-Worn/Dashboard Camera Video. (Public)

Sponsors: Senators Clark, deViere, and Mohammed (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE RELEASE OF BODY-WORN AND DASHBOARD CAMERA
3 RECORDINGS UPON REQUEST AFTER FORTY-EIGHT HOURS HAVE PASSED
4 FROM THE TIME OF THE RECORDING.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 132-1.4A reads as rewritten:

7 "§ 132-1.4A. Law enforcement agency recordings.

8 ...

9 (f) Release of Recordings to Certain Persons; Expedited Process. Notwithstanding the
10 provisions of subsection (g) of this section, a person authorized to receive disclosure pursuant to
11 subsection (e) of this section, or the custodial law enforcement agency, may petition the superior
12 court in any county where any portion of the recording was made for an order releasing the
13 recording to a person authorized to receive disclosure. There shall be no fee for filing the petition
14 which shall be filed on a form approved by the Administrative Office of the Courts and shall
15 state the date and approximate time of the activity captured in the recording, or otherwise identify
16 the activity with reasonable particularity sufficient to identify the recording. If the petitioner is a
17 person authorized to receive disclosure, notice and an opportunity to be heard shall be given to
18 the head of the custodial law enforcement agency. Petitions filed pursuant to this subsection shall
19 be set down for hearing as soon as practicable and shall be accorded priority by the court.

20 The court shall first determine if the person to whom release of the recording is requested is
21 a person authorized to receive disclosure pursuant to subsection (e) of this section. In making this
22 determination, the court may conduct an in-camera review of the recording and may, in its
23 discretion, allow the petitioner to be present to assist in identifying the image or voice in the
24 recording that authorizes disclosure to the person to whom release is requested. If the court
25 determines that the person is not authorized to receive disclosure pursuant to subsection (e) of
26 this section, there shall be no right of appeal and the petitioner may file an action for release
27 pursuant to subsection (g) of this section.

28 If the court determines that the person to whom release of the recording is requested is a
29 person authorized to receive disclosure pursuant to subsection (e) of this section, the court shall
30 consider the standards set out in subsection (g) of this section and any other standards the court
31 deems relevant in determining whether to order the release of all or a portion of the recording.
32 The court may conduct an in-camera review of the recording. The court shall release only those
33 portions of the recording that are relevant to the person's request and may place any conditions
34 or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

35 (g) Release of Recordings; General; Court Order Required. Recordings in the custody
36 of a law enforcement agency shall only be released pursuant to court order. Any custodial law



1 enforcement agency or any person requesting release of a recording may file an action in the
2 superior court in any county where any portion of the recording was made for an order releasing
3 the recording. The request for release must state the date and approximate time of the activity
4 captured in the recording, or otherwise identify the activity with reasonable particularity
5 sufficient to identify the recording to which the action refers. The court may conduct an in-camera
6 review of the recording. In determining whether to order the release of all or a portion of the
7 recording, in addition to any other standards the court deems relevant, the court shall consider
8 the applicability of all of the following standards:

- 9 (1) Release is necessary to advance a compelling public interest.
- 10 (2) The recording contains information that is otherwise confidential or exempt
11 from disclosure or release under State or federal law.
- 12 (3) The person requesting release is seeking to obtain evidence to determine legal
13 issues in a current or potential court proceeding.
- 14 (4) Release would reveal information regarding a person that is of a highly
15 sensitive personal nature.
- 16 (5) Release may harm the reputation or jeopardize the safety of a person.
- 17 (6) Release would create a serious threat to the fair, impartial, and orderly
18 administration of justice.
- 19 (7) Confidentiality is necessary to protect either an active or inactive internal or
20 criminal investigation or potential internal or criminal investigation.
- 21 (8) There is good cause shown to release all portions of a recording.

22 The court shall release only those portions of the recording that are relevant to the person's
23 request, and may place any conditions or restrictions on the release of the recording that the court,
24 in its discretion, deems appropriate.

25 In any proceeding pursuant to this subsection, the following persons shall be notified and
26 those persons, or their designated representative, shall be given an opportunity to be heard at any
27 proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement
28 agency personnel whose image or voice is in the recording and the head of that person's
29 employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to
30 this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings
31 in such actions shall be accorded priority by the trial and appellate courts.

32 (g1) Release of Recordings. – Recordings in the custody of a law enforcement agency shall
33 be released only as provided by this section. Notwithstanding any other provision of this section,
34 a custodial law enforcement agency shall release a recording, upon request, after 48 hours have
35 passed from the time of the recording, unless a court orders pursuant to this subsection that the
36 release of the recording shall be restricted for a specified period of time.

37 Any custodial law enforcement agency may file an action in the superior court in any county
38 where any portion of the recording was made for an order restricting release of the recording for
39 a specified period of time. The request must state the date and time of the activity captured in the
40 recording, or otherwise identify the activity. The court may conduct an in-camera review of the
41 recording. In determining whether to restrict the release of all or a portion of the recording for a
42 specified period of time, in addition to any other standards the court deems relevant, the court
43 shall consider the applicability of all of the following standards:

- 44 (1) Release is necessary to advance a compelling public interest.
- 45 (2) The recording contains information that is otherwise confidential or exempt
46 from disclosure or release under State or federal law.
- 47 (3) The person requesting release is seeking to obtain evidence to determine legal
48 issues in a current or potential court proceeding.
- 49 (4) Release would reveal information regarding a person that is of a highly
50 sensitive personal nature.
- 51 (5) Release may harm the reputation or jeopardize the safety of a person.

- 1 (6) Release would create a serious threat to the fair, impartial, and orderly
2 administration of justice.
3 (7) Confidentiality is necessary to protect either an active or inactive internal or
4 criminal investigation or potential internal or criminal investigation.
5 (8) There is good cause shown to release all portions of a recording.

6 The court shall restrict the release of only those portions of the recording that it deems
7 necessary to restrict.

8 In any proceeding pursuant to this subsection, the following persons shall be notified and
9 those persons, or their designated representative, shall be given an opportunity to be heard at any
10 proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement
11 agency personnel whose image or voice is in the recording and the head of that person's
12 employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to
13 this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings
14 in such actions shall be accorded priority by the trial and appellate courts.

15 (h) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the
16 requirements of subsections ~~(e), (f), and (g)~~ (c) and (g1) of this section, a custodial law
17 enforcement agency shall disclose or release a recording to a district attorney (i) for review of
18 potential criminal charges, (ii) in order to comply with discovery requirements in a criminal
19 prosecution, (iii) for use in criminal proceedings in district court, or (iv) for any other law
20 enforcement purpose, and may disclose or release a recording for any of the following purposes:

- 21 (1) For law enforcement training purposes.
22 (2) Within the custodial law enforcement agency for any administrative, training,
23 or law enforcement purpose.
24 (3) To another law enforcement agency for law enforcement purposes.
25 (4) For suspect identification or apprehension.
26 (5) To locate a missing or abducted person.

27 "

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