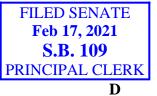
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021



SENATE BILL DRS15036-MM-16

Short Title:	Law Enforcement Recordings/Winston-Salem.	(Local)
Sponsors:	Senator Lowe (Primary Sponsor).	
Referred to:		

1			A BILL TO BE ENTITLED	
2	AN ACT	TO AM	IEND THE PUBLIC RECORD STATUTES WITH REGARD TO THE CITY	
3	OF	WINST	TON-SALEM RELATED TO LAW ENFORCEMENT AGENCY	
4	RECO	ORDING	GS AND CLOSED SESSIONS.	
5	The Gene	ral Asse	embly of North Carolina enacts:	
6		SECT	TON 1. G.S. 132-1.4A reads as rewritten:	
7	"§ 132-1.4	4A. La	w enforcement agency recordings.	
8	(a)	Defini	itions. – The following definitions apply in this section:	
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10		<u>(1a)</u>	Citizen review board A board or commission legally designed by a city	
11			council to review police matters or complaints against a police agency and	
12			individual officers.	
13		•••		
14	(h)		se of Recordings; Law Enforcement Purposes Notwithstanding the	
15	-		subsections (c), (f), and (g) of this section, a custodial law enforcement agency	
16	shall disclose or release a recording to a district attorney (i) for review of potential criminal			
17				
18	use in criminal proceedings in district court, or (iv) for any other law enforcement purpose, and			
19	may disclose or release a recording for any of the following purposes:			
20		(1)	For law enforcement training purposes.	
21		(2)	Within the custodial law enforcement agency for any administrative, training,	
22			or law enforcement purpose.	
23		(3)	To another law enforcement agency for law enforcement purposes.	
24		(4)	For suspect identification or apprehension.	
25		(5)	To locate a missing or abducted person.	
26		<u>(6)</u>	To other local agencies that partner with the custodial law enforcement agency	
27			including municipal and county firefighters, emergency medical services,	
28			emergency dispatchers, and operators for any internal investigation,	
29			administration decision making, or training purpose.	
30		<u>(7)</u>	To school resource officers to disclose the recordings to a juvenile whose	
31			image or voice is captured in the recording, parents or the legal guardians of	
32			the juvenile whose image or voice is captured in the recording, and principals	
33			and other school administrators in the local school administrative unit where	
34 25		(0)	the juvenile is enrolled.	
35		<u>(8)</u>	To a citizens review board for review of complaints, provided members of the	
36			board execute a confidentiality agreement to maintain the confidentiality of	



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	the recording prior to viewing the recording. Recording images may be
	released to the public by the citizens review board only upon court order.
<u>(9)</u>	To identify or locate a potential criminal suspect, victim of a crime, or missin
	person, provided only a single or limited number of randomly selected sti
	images extracted from the recording are disclosed or released. The image
	images shall depict only the face or other identifying characteristics of the
	criminal suspect, victim of a crime, or missing person.
(10)	To the city or county manager upon the manager's request for management
-	and administrative purposes including police operations review if the
	custodial law enforcement agency is a municipal police agency or a combine
	city-and-county police agency headed by a chief officer other than a count
	sheriff. Prior to viewing the recording, the manager shall execute
	confidentiality agreement to maintain the confidentiality of the recording price
	to viewing the recording. Recording images may be released to the public b
	the manager only upon a court order.
(11)	To the city or town council in closed session and upon recommendation of the
<u> </u>	city or town manager and majority vote of the city or town council, provide
	members of the city or town council shall execute a confidentiality agreement
	to maintain the confidentiality of the recording prior to viewing the recording
	A member of the council shall be allowed to make statements to restore the
	public's confidence in law enforcement without breaching the confidentiality
	agreement or otherwise violating this section. Recording images may b
	released to the public by the council only upon a court order.
	refeased to the public by the council only upon a court order.
	vil liability shall arise from compliance with the provisions of this section
	acts or omissions are made in good faith and do not constitute gross negligence
	n misconduct, or intentional wrongdoing. Any person who knowingly an
	s or releases a recording in violation of this section shall be guilty of a Class
	upon conviction shall only be fined in the discretion of the court but not i
	idred dollars (\$500.00).
"	
SECT	ION 2. G.S. 143-318.11(a) reads as rewritten:
	ted Purposes. – It is the policy of this State that closed sessions shall be hel
	d to permit a public body to act in the public interest as permitted in this section
v 1	ay hold a closed session and exclude the public only when a closed session
required:	, , , , , , , , , , , , , , , , , , ,
(10)	To view a recording released regulated pursuant to G.S. 132-1.4A."
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SECT	ION 3. This act applies to the City of Winston-Salem.