

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS45115-ND-60A*

Short Title: Charlotte Citizens Review Brd Subpoena Power. (Local)

Sponsors: Senators Marcus, Mohammed, and Salvador (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO GRANT CERTAIN SUBPOENA POWER TO THE CITY OF CHARLOTTE
3 CITIZENS REVIEW BOARD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-168(c), as amended by Section 3 of S.L. 1997-305, reads
6 as rewritten:

7 "(c) All information contained in a city employee's personnel file, other than the
8 information made public by subsection (b) of this section, is confidential and shall be open to
9 inspection only in the following instances:

10 ...

11 (8) In order to facilitate citizen review of the police disciplinary process, the city
12 manager or the chief of police, or their designees, may release the disposition
13 of disciplinary charges against a police officer and the facts relied upon in
14 determining the disposition to the person alleged to have been aggrieved by
15 the officer's actions or to that person's survivor and to members of the citizens'
16 review board. Board members shall maintain as confidential all personnel
17 information to which they gain access as a member of the Board. Each
18 member of the Board shall execute and adhere to a Confidentiality Agreement
19 that is satisfactory to the City. For purposes of this subdivision, the 'disposition
20 of disciplinary charges' includes determinations that the charges are sustained,
21 not sustained, unfounded, exonerated, classified as an information file, or
22 classified as any other disciplinary disposition category subsequently adopted
23 by the Charlotte-Mecklenburg Police Department. In the event that the
24 citizens' review board hears an appeal of a police disciplinary case, the
25 disposition of the case, as defined in this subdivision, as well as the facts and
26 circumstances of the case, may be released by the city manager or the chief of
27 police, or their designees, to any person whose presence is necessary to the
28 appeals hearing as determined by the chief of police or his designee. In the
29 conduct of evidentiary fact-finding proceedings, any of the following may
30 subpoena witnesses and compel the production of evidence: (i) the chair, (ii)
31 the vice-chair when acting in the absence of the chair, and (iii) a majority of
32 the members of the Board. If a person fails or refuses to obey a subpoena
33 issued pursuant to this subdivision, the Board may apply to the General
34 Court of Justice, Superior Court Division, for an order requiring that the
35 subpoena be obeyed, and the court shall have jurisdiction to issue the order
36 after notice to all parties.



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SECTION 2. This act applies to the City of Charlotte only.

SECTION 3. This act is effective when it becomes law.