

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL DRH10180-NDa-14

Short Title: Increased Security/Privacy for NC Legislators. (Public)

Sponsors: Representative Alexander.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE SECURITY AND PRIVACY SURROUNDING NORTH
3 CAROLINA LEGISLATORS AND TO APPROPRIATE FUNDS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Chapter 120 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 17A.

8 "Legislative Privacy Act.

9 "§ 120-138.1. Title.

10 This Article shall be known and may be cited as the "North Carolina Legislative Privacy
11 Act."

12 "§ 120-138.2. Purpose.

13 The purpose of this Article is to improve the security and privacy of legislators of the North
14 Carolina General Assembly to ensure those legislators are able to legislate without fear of
15 personal reprisal from individuals affected by the decisions those legislators make in the course
16 of carrying out the public function of each legislator's duties.

17 This Article is not intended to restrain a legislator from independently making public the
18 legislator's own personal information. Additionally, no government agency, person, business, or
19 association has any obligation under this Article to protect the privacy of a legislator's personal
20 information until the legislator makes a written request pursuant to this Article that the legislator's
21 personal information not be publicly posted.

22 Nothing in this Article shall be construed to impair free access to legislative voting records
23 or bills and other legislative instruments filed by legislators in the course of carrying out each
24 legislator's functions.

25 "§ 120-138.3. Definitions.

26 The following definitions apply in this Article:

- 27 (1) Government agency. – All agencies, authorities, boards, commissions,
28 departments, institutions, offices, and any other bodies politic and corporate
29 of the State created by the Constitution or statute, whether in the executive,
30 judicial, or legislative branch; all units and corporate outgrowths created by
31 executive order of the Governor or any constitutional officer, by the Supreme
32 Court, or by resolution of the General Assembly; or agencies, authorities,
33 boards, commissions, departments, institutions, offices, and any other bodies
34 politic and corporate of a unit of local government or school district.



- 1 (2) Home address. – A legislator's permanent residence and any secondary
2 residences affirmatively identified by the legislator, not including a legislator's
3 work address.
- 4 (3) Immediate family. – A legislator's spouse, child, parent, or any blood relative
5 of the legislator or the legislator's spouse who lives in the same residence as
6 the legislator.
- 7 (4) Legislator. – An active member of the North Carolina House of
8 Representatives or the North Carolina Senate.
- 9 (5) Personal information. – A home address, home telephone number, mobile
10 telephone number, pager number, personal email address, social security
11 number, federal tax identification number, checking and savings account
12 numbers, credit card numbers, and identity of children under the age of 18.
- 13 (6) Publicly available content. – Any written, printed, or electronic document or
14 record that provides information or that serves as a document or record
15 maintained, controlled, or in the possession of a government agency that may
16 be obtained by any person or entity from the internet, from the government
17 agency upon request either free of charge or for a fee, or in response to a
18 request under the federal Freedom of Information Act.
- 19 (7) Publicly post or publicly display. – To publicly communicate to another or
20 otherwise make available to the general public.
- 21 (8) Written request. – Written notice signed by a legislator or a representative of
22 the legislator requesting a government agency, person, business, or
23 association refrain from posting or displaying publicly available content that
24 includes the legislator's personal information.

25 **"§ 120-138.4. Publicly posting or displaying a legislator's personal information by**
26 **government agencies.**

27 (a) Government agencies shall not publicly post or display publicly available content that
28 includes a legislator's personal information, provided that the government agency has received a
29 written request in accordance with G.S. 120-138.6 that it refrain from disclosing the legislator's
30 personal information. After a government agency has received a written request, that agency shall
31 remove the legislator's personal information from publicly available content within five business
32 days. After the government agency has removed the legislator's personal information from
33 publicly available content, the agency shall not publicly post or display publicly the information
34 and the legislator's personal information shall be exempt from public records requests made
35 pursuant to Chapter 132 of the General Statutes unless the government agency has received
36 consent from the legislator to make the personal information available to the public.

37 (b) If a government agency fails to comply with a written request to refrain from
38 disclosing personal information made pursuant to this Article, the legislator may bring an action
39 seeking injunctive or declaratory relief in any court of competent jurisdiction.

40 **"§ 120-138.5. Publicly posting or displaying a legislator's personal information on the**
41 **internet by persons, businesses, and associations.**

42 (a) Prohibited Conduct. –

- 43 (1) All persons, businesses, and associations shall refrain from publicly posting
44 or displaying on the internet publicly available content that includes a
45 legislator's personal information, provided that the legislator has made a
46 written request to the person, business, or association that it refrain from
47 disclosing the personal information.
- 48 (2) No person, business, or association shall solicit, sell, or trade on the internet a
49 legislator's personal information with the intent to pose an imminent and
50 serious threat to the health and safety of the legislator or the legislator's
51 immediate family.

1 This subsection includes, but is not limited to, internet phone directories, internet search
2 engines, internet data aggregators, and internet service providers.

3 (b) Required Conduct. –

4 (1) After a person, business, or association has received a written request from a
5 legislator to protect the privacy of the legislator's personal information, that
6 person, business, or association shall have 72 hours to remove the personal
7 information from the internet.

8 (2) After a person, business, or association has received a written request from a
9 legislator, that person, business, or association shall ensure that the legislator's
10 personal information is not made available on any website or subsidiary
11 website controlled by that person, business, or association.

12 (3) After receiving a legislator's written request, no person, business, or
13 association shall transfer the legislator's personal information to any other
14 person, business, or association through any medium.

15 (c) Redress. – A legislator whose information is made public as a result of a violation of
16 this Article may bring an action seeking injunctive or declaratory relief in any court of competent
17 jurisdiction. If the court grants injunctive or declaratory relief, the person, business, or association
18 responsible for the violation shall be required to pay the legislator's costs and reasonable
19 attorney's fees incurred due to the action.

20 **§ 120-138.6. Procedure for completing a written request.**

21 (a) Requirement that a Legislator Make a Written Request. – No government agency,
22 person, business, or association shall be found to have violated any provision of this Article if
23 the legislator fails to submit a written request calling for the protection of the legislator's personal
24 information.

25 (b) Written Request Procedure. – A written request shall be valid if either of the following
26 occurs:

27 (1) The legislator sends a written request directly to a governmental agency,
28 person, business, or association.

29 (2) If the Legislative Services Officer has a policy and procedure for a legislator
30 to file the written request with the Legislative Services Officer to notify
31 government agencies, the legislator may send the written request to the
32 Legislative Services Officer. In each quarter of a calendar year, the Legislative
33 Services Officer shall provide a list of all legislators that have submitted a
34 written request to the appropriate officer with ultimate supervisory authority
35 for a government agency. The officer shall promptly provide a copy of the list
36 to any and all government agencies under the officer's supervision. Receipt of
37 the written request list compiled by the Legislative Services Officer by a
38 government agency shall constitute a written request to that government
39 agency for the purposes of this Article.

40 (c) A representative of the legislator may submit a written request on the legislator's
41 behalf, provided that the legislator gives written consent to the representative and provided that
42 the representative agrees to furnish a copy of that consent when a written request is made. The
43 representative shall submit the written request as provided in subsection (b) of this section.

44 (d) Information to be Included in the Written Request. – A legislator's written request
45 shall specify what personal information shall be maintained private pursuant to this Article.

46 If a legislator wishes to identify a secondary residence as a home address as that term is
47 defined in this Article, the designation shall be made in the written request.

48 (e) Duration of the Written Request. – A legislator's written request is valid until the
49 legislator provides the government agency, person, business, or association with written
50 permission to release the private information. A legislator's written request expires on the death
51 of the legislator.

1 **"§ 120-138.7. Unlawful publication of personal information.**

2 It is unlawful for any person to knowingly and publicly post on the internet the personal
3 information of a legislator or member of the legislator's immediate family if (i) the person knows
4 or reasonably should know that publicly posting the personal information poses an imminent and
5 serious threat to the health and safety of the legislator or member of the legislator's immediate
6 family and (ii) the violation of this Article is a proximate cause of bodily injury or death of the
7 legislator or a member of the legislator's immediate family.

8 A person that violates this section is guilty of a Class C felony.

9 **"§ 120-138.8. Exceptions for employees of government agencies.**

10 Provided that an employee of a government agency has complied with the conditions set forth
11 in this Article, it is not a violation of G.S. 120-138.7 if an employee of a government agency
12 publishes, in good faith, personal information prohibited from being published under this Article
13 on the website of the government agency in the ordinary course of carrying out public functions.

14 **"§ 120-138.9. Construction of Article.**

15 This Article and any rules adopted to implement this Article shall be construed broadly to
16 favor the protection of the personal information of legislators and members of the legislator's
17 immediate family."

18 **SECTION 1.(b)** If any part of this section or its application to any person or
19 circumstance is adjudged invalid, such adjudication or application shall not affect the validity of
20 this section as a whole or of any other part.

21 **SECTION 1.(c)** This section becomes effective December 1, 2023, and applies to
22 personal information that is made public or continues to remain public on or after that date.

23 **SECTION 2.(a)** G.S. 143B-911 is amended by adding a new subsection to read:

24 "(d1) Legislative Security Assessments. – Upon the request of a member of the North
25 Carolina General Assembly, the General Assembly Special Police shall conduct a security
26 assessment of the member's primary residence, district office, or both.

27 This subsection shall not be construed to modify in any way the territorial jurisdiction of
28 police officers of the General Assembly Special Police as that jurisdiction relates to the power of
29 arrest and as it is described in subsection (d) of this section."

30 **SECTION 2.(b)** This section is effective when it becomes law.

31 **SECTION 3.(a)** There is appropriated from the General Fund to the General
32 Assembly the sum of three million three hundred thousand dollars (\$3,300,000) in nonrecurring
33 funds for the 2023-2024 fiscal year to be allocated to the General Assembly Special Police and
34 used as follows:

35 (1) At the request of a member of the North Carolina General Assembly, to make
36 security improvements to the member's primary residence, district office, or
37 both.

38 (2) In an amount not to exceed fifteen thousand dollars (\$15,000) per member of
39 the North Carolina General Assembly.

40 **SECTION 3.(b)** This section becomes effective July 1, 2023.

41 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
42 law.