

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 979

Short Title: SBI Investigate Misconduct.

(Public)

Sponsors: Representative Anderson.

Referred to: Judiciary III.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BUREAU OF INVESTIGATION TO INVESTIGATE CRIMES INVOLVING MISCONDUCT IN PUBLIC OFFICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 114-15 reads as rewritten:

"§ 114-15. Investigations of lynchings, election frauds, etc.; services subject to call of Governor; witness fees and mileage for Director and assistants.

The Bureau shall, through its Director and upon request of the Governor, investigate and prepare evidence in the event of any lynching or mob violence in the State; shall investigate all cases arising from frauds in connection with elections when requested to do so by the Board of Elections, and when so directed by the Governor. Such investigation, however, shall in nowise interfere with the power of the Attorney General to make such investigation as he is authorized to make under the laws of the State. The Bureau is authorized further, at the request of the Governor, to investigate cases of frauds arising under the Social Security Laws of the State, of violations of the gaming laws, and lottery laws, and matters of similar kind when called upon by the Governor so to do. In all such cases it shall be the duty of the Department to keep such records as may be necessary and to prepare evidence in the cases investigated, for the use of enforcement officers and for the trial of causes. The services of the Director of the Bureau, and of his assistants, may be required by the Governor in connection with the investigation of any crime committed anywhere in the State when called upon by the enforcement officers of the State, and when, in the judgment of the Governor, such services may be rendered with advantage to the enforcement of the criminal law. The State Bureau of Investigation is hereby authorized to investigate without request the

1 attempted arson of, or arson of, damage of, theft from, or theft of, or misuse of, any
2 State-owned personal property, buildings, or other real property or any assault upon or
3 threats against any legislative officer named in G.S. 147-2(1), (2), or (3) or any
4 executive officer named in G.S. 147-3(c). The Bureau also is authorized at the request
5 of the Governor to conduct a background investigation on a person that the Governor
6 plans to nominate for a position that must be confirmed by the General Assembly, the
7 Senate, or the House of Representatives. The background investigation of the proposed
8 nominee shall be limited to an investigation of the person's criminal record, educational
9 background, employment record, records concerning the listing and payment of taxes,
10 and credit record, and to a requirement that the person provide the information
11 contained in the statements of Executive Order Number 1, filed on January 31, 1985, as
12 contained on pages 1405 through 1419 of the 1985 Session Laws (First Session, 1985).
13 The Governor must give the person being investigated written notice that he intends to
14 request a background investigation at least 10 days prior to the date that he requests the
15 State Bureau of Investigation to conduct the background investigation. The written
16 notice shall be sent by regular mail, and there is created a rebuttable presumption that
17 the person received the notice if the governor has a copy of the notice.

18 The State Bureau of Investigation is further authorized, upon request of the
19 Governor or the Attorney General, to investigate the commission or attempted
20 commission of the crimes defined in the following statutes:

- 21 (1) All sections of Article 4A and Article 31 of Chapter 14 of the General
22 Statutes;
- 23 (2) G.S. 14-277.1;
- 24 (3) G.S. 14-277.2;
- 25 (4) G.S. 14-283;
- 26 (5) G.S. 14-284;
- 27 (6) G.S. 14-284.1;
- 28 (7) G.S. 14-288.2;
- 29 (8) G.S. 14-288.7;
- 30 (9) G.S. 14-288.8; and
- 31 (10) G.S. 14-288.20.

32 All records and evidence collected and compiled by the Director of the Bureau and
33 his assistants shall not be considered public records within the meaning of G.S. 132-1,
34 and following, of the General Statutes of North Carolina and may be made available to
35 the public only upon an order of a court of competent jurisdiction. Provided that all
36 records and evidence collected and compiled by the Director of the Bureau and his
37 assistants shall, upon request, be made available to the district attorney of any district if
38 the same concerns persons or investigations in his district.

39 In all cases where the cost is assessed against the defendant and paid by him, there
40 shall be assessed in the bill of cost, mileage and witness fees to the Director and any of
41 his assistants who are witnesses in cases arising in courts of this State. The fees so
42 assessed, charged and collected shall be forwarded by the clerks of the court to the
43 Treasurer of the State of North Carolina, and there credited to the Bureau of
44 Identification and Investigation Fund."

1 Sec. 2. This act is effective upon ratification.