

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**HOUSE BILL 791**

Short Title: Law Enforcement Agency Recordings. (Public)

Sponsors: Representatives Faircloth, Ross, and McNeill (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

A BILL TO BE ENTITLED  
AN ACT TO AMEND G.S. 132-1.4A REGARDING LAW ENFORCEMENT AGENCY  
RECORDINGS AND G.S. 143-318.11 CONCERNING CLOSED SESSIONS.

The General Assembly of North Carolina enacts:

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

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

(a) Definitions. – The following definitions apply in this section:

(1) Body-worn camera. – An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.

(1a) Citizens' review board. – A board or commission, by whatever name, legally constituted and empowered by a city council or board of county commissioners to review law enforcement matters or complaints against a law enforcement agency and individual officers.

(2) Custodial law enforcement agency. – The law enforcement agency that owns or leases or whose personnel operates the equipment that created the recording at the time the recording was made.

(3) Dashboard camera. – A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.

(3a) Deceased person. – A person whose image or voice is captured in a recording and who was living at the time the recording began and died during or subsequent to the event captured in the recording.

(4) Disclose or disclosure. – To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording.

(5) Personal representative. – A parent, court-appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased



1 person's surviving spouse, parent, or adult child; the deceased person's  
 2 attorney; or the parent or guardian of a surviving minor child of the deceased.  
 3 (6) Recording. – A visual, audio, or visual and audio recording captured by a  
 4 body-worn camera, a dashboard camera, or any other video or audio recording  
 5 device operated by or on behalf of a law enforcement agency or law  
 6 enforcement agency personnel when carrying out law enforcement  
 7 responsibilities. This term does not include any video or audio recordings of  
 8 interviews regarding agency internal investigations or interviews or  
 9 interrogations of suspects or witnesses.

10 (7) Release. – To provide a copy of a recording.

11 ...

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

18 (1) ~~For law enforcement training purposes.~~

19 (2) ~~Within the custodial law enforcement agency for any administrative, training,~~  
 20 ~~or law enforcement purpose.~~

21 (3) ~~To another law enforcement agency for law enforcement purposes.~~

22 (h1) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the  
 23 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency  
 24 may disclose or release a recording as follows:

25 (1) For law enforcement training purposes.

26 (2) Within the custodial law enforcement agency for any administrative, training,  
 27 or law enforcement purpose.

28 (3) To another law enforcement agency for law enforcement purposes.

29 (4) For investigative purposes, a single or limited number of randomly selected  
 30 still images, depicting a face or other identifying characteristic, extracted from  
 31 a recording as necessary to identify or locate a potential criminal suspect.

32 (h2) Disclosure of Recordings; Local Government Purposes. – Notwithstanding the  
 33 requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency  
 34 may disclose a recording for any of the following purposes:

35 (1) To the municipal or county manager, upon the manager's request and subject  
 36 to the signing of a confidentiality agreement.

37 (2) To the municipal council or board of county commissioners in closed session,  
 38 upon the recommendation of the municipal or county manager, subject to  
 39 majority vote of the council or board with each viewing council member or  
 40 county commissioner having signed a confidentiality agreement.

41 (3) To a citizens' review board in a closed session with each review board member  
 42 having signed a confidentiality agreement.

43 Any person who knowingly violates the confidentiality agreement required by this subsection  
 44 is guilty of a Class 1 misdemeanor.

45 ...

46 (n) Uniformity of Regulation. – A municipality or county shall not enact any ordinance  
 47 or regulation relating to the release of law enforcement agency recordings, and this section  
 48 preempts any existing county or municipal ordinances or regulations on its subject matter."

49 **SECTION 2.** G.S. 143-318.11(a) reads as rewritten:

50 "(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held  
 51 only when required to permit a public body to act in the public interest as permitted in this section.

1 A public body may hold a closed session and exclude the public only when a closed session is  
2 required:

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...

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(10) To view a recording ~~released pursuant to~~ regulated under G.S. 132-1.4A."

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