

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-324
SENATE BILL 143**

AN ACT TO MODIFY DORMITORY REQUIREMENTS IN CERTAIN COUNTY
DETENTION FACILITIES AND TO PROVIDE THAT OFFENDERS ARE
PROHIBITED FROM OBTAINING PUBLIC EMPLOYEE'S PERSONNEL RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-221(d) reads as rewritten:

"(d) Notwithstanding any law or rule to the contrary, each dormitory in a county detention facility may house up to ~~5664~~ inmates as long as the dormitory provides all of the following:

- (1) A minimum floor space of 70 square feet per inmate, including both the sleeping and dayroom areas.
- (2) One shower per eight inmates, one toilet per eight inmates, one sink with a security mirror per eight inmates, and one water fountain.
- (3) A telephone jack or other telephone arrangement provided within the dormitory.
- (4) Space designed to allow a variety of activities.
- (5) Sufficient seating and tables for all inmates.
- (6) A way for officers to observe the entire area from the entrance.

This subsection applies only to those counties that have a population in excess of ~~600,000~~, 300,000, according to the most recent decennial federal census."

SECTION 1.1.(a) The General Assembly finds that allowing inmates, probationers, parolees, and post-release supervisees to access public employees' personnel files that are public records under State law exposes those public employees to the risk of harassment and even violence. The General Assembly further finds that such offenders, due to their status as inmates, probationers, parolees, and post-release supervisees, are not entitled to the same privileges and rights exercised by members of the general public and should be prohibited from accessing public employees' personnel files in the interest of protecting those public employees from harm.

SECTION 1.1.(b) G.S. 126-23 reads as rewritten:

"§ 126-23. Certain records to be kept by State agencies open to inspection.

(a) Each department, agency, institution, commission and bureau of the State shall maintain a record of each of its employees, showing the following information with respect to each such employee:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to State service.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.



- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau.
- (10) Date and general description of the reasons for each promotion with that department, agency, institution, commission, or bureau.
- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the department, agency, institution, commission, or bureau. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office or station to which the employee is currently assigned.

(b) For the purposes of this section, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

(c) Subject only to rules and regulations for the safekeeping of the records, adopted by the State Personnel Commission, every person having custody of such records shall permit them to be inspected and examined and copies thereof made by any person during regular business hours. ~~Any~~ Except as provided in subsection (d) of this section, any person who is denied access to any such record for the purpose of inspecting, examining or copying the same shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief.

(d) Notwithstanding any other provision of this section, persons in the custody of, or under the supervision of, the Department of Correction and persons in the custody of local confinement facilities are not entitled to access to the records made public under this section and are prohibited from obtaining those records, absent a court order authorizing access to, or custody, or possession.

(e) An attorney investigating allegations of unlawful misconduct or abuse by a Department of Correction employee may request, and shall be provided with, information sufficient to identify the full name or names of the employee alleged to be involved in the misconduct or abuse in the current position of the employee within the Department; or, the last position held by the employee and the last date of employment by the Department. The attorney may not give the offender copies of departmental records or official documents absent a court order authorizing access to, or custody, or possession."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of June, 2011.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 11:15 a.m. this 27th day of June, 2011