GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

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HOUSE BILL 550

Committee Substitute Favorable 5/15/07

Senate Judiciary II (Criminal) Committee Substitute Adopted 6/25/07

Short Title: Modify School Employee Confidentiality Law. (Public)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LAW PERTAINING TO THE CONFIDENTIALITY OF SCHOOL PERSONNEL FILES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-321(a) is amended by adding three new subsections to read:

"(a1) Notwithstanding any other provision of this Chapter, information contained in a personnel file that is relevant to possible criminal misconduct may be made available to law enforcement and the district attorney to assist in the investigation of:

(1) A report made to law enforcement pursuant to G.S. 115C-288(g), or

(2) Any report to law enforcement regarding an arson, attempted arson, destruction of, theft from, theft of, embezzlement from, embezzlement of any personal or real property owned by the local board of education.

(a2) The employee shall be given five working days prior written notice of any disclosure under subsection (a1) of this section to permit the employee to apply to the district court for an in camera review prior to the date of disclosure to determine if the information is relevant to the possible criminal misconduct. Failure of the employee to apply for a review shall constitute a waiver by the employee of any relief under this subsection.

(a3) Statements or admissions made by the employee and produced under subsection (a1) of this section shall not be admissible in any subsequent criminal proceeding against the employee."

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