

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 142  
Committee Substitute Favorable 3/7/13

Short Title: Provide Access to Campus Police Records. (Public)

Sponsors:

Referred to:

February 25, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION MAINTAINED  
3 BY CAMPUS POLICE AGENCIES AFFILIATED WITH PRIVATE, NONPROFIT  
4 INSTITUTIONS OF HIGHER EDUCATION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The catch line of G.S. 74G-5 reads as rewritten:

7 "§ 74G-5. Records. Campus police program records."

8 SECTION 2. Chapter 74G of the General Statutes is amended by adding a new  
9 section to read:

10 "§ 74G-5.1. Campus police agency records."

11 (a) Each campus police agency is the legal custodian of all books, papers, documents,  
12 records of criminal investigations or of criminal intelligence information, or other records and  
13 property maintained by the campus police agency. Books, papers, documents, records of  
14 criminal investigations or of criminal intelligence information, or other records maintained by a  
15 campus police agency that is affiliated with a private, nonprofit institution of higher education  
16 shall not be public records as that term is defined in G.S. 132-1.

17 (b) As used in this section:

18 (1) "Violation of the law" means crimes and offenses that are prosecutable as  
19 misdemeanors or felonies in the criminal courts in this State or the United  
20 States.

21 (2) "Complaining witness" means an alleged victim or other person who reports  
22 a violation or apparent violation of the law to a campus police agency.

23 (c) Notwithstanding the provisions of subsection (a) of this section, as a condition of  
24 certification, a campus police agency affiliated with a private, nonprofit institution of higher  
25 education shall, upon request by any person and subject to the provisions and implementing  
26 regulations of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus  
27 Crime Statistics Act, 20 U.S.C. § 1092(f), and the federal Family Educational Rights and  
28 Privacy Act, 20 U.S.C. § 1232g, permit the following information maintained by the campus  
29 police agency to be inspected at reasonable times and under reasonable supervision:

30 (1) The time, date, location, and nature of a violation or apparent violation of the  
31 law reported to the campus police agency.

32 (2) The name, sex, age, address, employment, and alleged violation of law of a  
33 person arrested or formally charged or indicted for an alleged violation of  
34 law in a court of competent jurisdiction.

35 (3) The circumstances surrounding an arrest, including the time and place of the  
36 arrest, whether the arrest involved resistance, possession or use of weapons,



1 or pursuit, and a description of any items seized in connection with the  
2 arrest.

3 (4) The contents of emergency telephone calls received by or on behalf of the  
4 campus police agency, except for such contents that reveal the natural voice,  
5 name, address, telephone number, or other information that may identify the  
6 caller, victim, or witness. In order to protect the identity of the complaining  
7 witness, the contents of emergency telephone calls may be released pursuant  
8 to this section in the form of a written transcript or altered voice  
9 reproduction; provided that the original shall be provided under process to  
10 be used as evidence in any relevant civil or criminal proceeding.

11 (5) The contents of communications between or among employees of the  
12 campus police agency pertaining to the information described in  
13 subdivisions (1) through (4) of this subsection that are broadcast over the  
14 public airways.

15 (6) The name, sex, age, and address of a complaining witness.

16 (7) The daily log of crimes reported to the campus police agency that is  
17 maintained pursuant to the federal Jeanne Clery Disclosure of Campus  
18 Security Policy and Campus Crime Statistics Act and implementing  
19 regulations.

20 (d) The campus police agency shall furnish copies of the information requested in  
21 subsection (c) of this section upon payment of the actual cost of reproducing the information.  
22 Any person denied access to or copies of the information listed in subsection (c) of this section  
23 may apply to a court of competent jurisdiction for an order compelling disclosure of the  
24 information.

25 (e) A campus police agency shall temporarily withhold the name or address of a  
26 complaining witness if release of the information is reasonably likely to pose a threat to the  
27 mental health, physical health, or personal safety of the complaining witness or materially  
28 compromise an ongoing or future criminal investigation or criminal intelligence operation.  
29 Information temporarily withheld under this subsection shall be made available for inspection  
30 or copying as soon as the circumstances that justify withholding it cease to exist. Any person  
31 denied access to information withheld under this subsection may apply to a court of competent  
32 jurisdiction for an order compelling disclosure of the information. In such action, the court shall  
33 balance the interests of the requesting individual in disclosure against the interests of the  
34 campus police agency and the alleged victim in withholding the information.

35 (f) If a campus police agency believes that the release of information listed in  
36 subsection (c) of this section will jeopardize the right of the State to prosecute a defendant or  
37 the right of a defendant to receive a fair trial, will undermine an ongoing or future investigation,  
38 or will violate the provisions and implementing regulations of the federal Jeanne Clery  
39 Disclosure of Campus Security Policy and Campus Crime Statistics Act or the federal Family  
40 Educational Rights and Privacy Act, it may seek an order from a court of competent  
41 jurisdiction to prevent disclosure of the information.

42 (g) Actions brought pursuant to subsection (d), (e), or (f) of this section shall be set  
43 down for immediate hearing, and subsequent proceedings in such actions shall be accorded  
44 priority by the trial and appellate courts.

45 (h) Nothing in this section shall be construed as requiring campus police agencies to  
46 disclose the following:

47 (1) Information that would not be required to be disclosed under Chapter 15A of  
48 the General Statutes.

49 (2) Information that is reasonably likely to identify a confidential informant.

1       (i)     Campus police agencies shall not be required to maintain any recordings of  
2 emergency telephone calls for more than 30 days from the time of the call, unless a court of  
3 competent jurisdiction orders a portion sealed."

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