## GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2023**

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<b>H.B. 399</b>
Mar 16, 2023
HOUSE PRINCIPAL CLERK

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## HOUSE BILL DRH30164-ND-3

	Short Title:	The North Carolina Judicial Privacy Act.	(Public)
	Sponsors:	Representative Alexander.	
	Referred to:		
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1		A BILL TO BE ENTITLED	
2		CREATE THE NORTH CAROLINA JUDICIAL PRIVACY ACT.	
3		Assembly of North Carolina enacts:	
4		<b>ECTION 1.</b> Subchapter VII of Chapter 7A of the General Statutes is a	mended by
5	adding a new	Article to read:	
6		" <u>Article 31C.</u>	
7		"Judicial Privacy Act.	
8	" <u>§ 7A-410.5</u> 4		
9		cle shall be known and may be cited as the "North Carolina Judicial Priv	<u>acy Act."</u>
10	" <u>§ 7A-410.5</u>		
11		ose of this Article is to improve the safety and security of North Caroli	•
12		ensure those officials are able to administer justice fairly without fear of	_
13	-	individuals affected by the decisions those officials make in the course	<u>of carrying</u>
14	-	c function of each judicial official's duties.	
15		cle is not intended to restrain a judicial official from independently mal	• •
16		own personal information. Additionally, no government agency, persor	
17		n has any obligation under this Article to protect the privacy of a judici	
18		prmation until the judicial official makes a written request pursuant to t	this Article
19		ial's personal information not be publicly posted.	
20	-	in this Article shall be construed to impair free access to decisions an	-
21		y judicial officials in the course of carrying out each judicial offici	al's public
22	functions.		
23		C. Definitions.	
24	The follo	wing definitions apply in this Article:	
25	<u>(1</u>		
26		departments, institutions, offices, and any other bodies politic and	•
27		of the State created by the Constitution or statute, whether in the	
28		judicial, or legislative branch; all units and corporate outgrowths	created by
29		executive order of the Governor or any constitutional officer, by the	ie Supreme
29 30		Court, or by resolution of the General Assembly; or agencies,	authorities,
31		boards, commissions, departments, institutions, offices, and any o	ther bodies
31 32		politic and corporate of a unit of local government or school district	
33	<u>(2</u>	2) <u>Home address. – A judicial official's permanent residence and any</u>	secondary
34		residences affirmatively identified by the judicial official, not i	ncluding a
35		judicial official's work address.	



General Assemb	bly Of North Carolina	Session 2023
<u>(3)</u>	Immediate family. – A judicial official's spouse	e, child, parent, or any blood
	relative of the judicial official or the judicial official	cial's spouse who lives in the
	same residence as the judicial official.	-
<u>(4)</u>	Judicial official. – Actively employed, former, c	or deceased (i) justices of the
	United States Supreme Court and North Carolin	a Supreme Court, (ii) judges
	of the United States Court of Appeals and North	n Carolina Court of Appeals,
	(iii) judges and magistrate judges of the Unite	d States District Court, (iv)
	judges of the United States Bankruptcy Court, a	
	North Carolina superior courts and district courts	
(5)	Personal information. – A home address, home	
	telephone number, pager number, personal en	-
	number, federal tax identification number, che	•
	numbers, credit card numbers, marital status, ar	• •
	the age of 18.	
<u>(6)</u>	Publicly available content. – Any written, printe	d. or electronic document or
<u> </u>	record that provides information or that serve	
	maintained, controlled, or in the possession of a	
	be obtained by any person or entity, from the in	
	agency upon request either free of charge or fo	-
	request under the federal Freedom of Information	-
<u>(7)</u>	Publicly post or publicly display. – To publicly	
	otherwise make available to the general public.	
<u>(8)</u>	Written request. – Written notice signed b	v a judicial official or a
<u>(97</u>	representative of the judicial official's employ	• •
	agency, person, business, or association refrain	
	publicly available content that includes the	
	information.	
" <u>§ 7A-410.5D.</u> ]	Publicly posting or displaying a judicial official	<u>'s personal information by</u>
gover	rnment agencies.	
(a) Gover	rnment agencies shall not publicly post or display p	ublicly available content that
includes a judici	ial official's personal information, provided that	.1
		the government agency has
•	n request in accordance with G.S. 7A-410.5F that	
received a writte	n request in accordance with G.S. 7A-410.5F that personal information. After a government agency h	it refrain from disclosing the
received a writter judicial official's	•	it refrain from disclosing the as received a written request,
received a writter judicial official's that agency shal	personal information. After a government agency h	it refrain from disclosing the has received a written request, tion from publicly available
received a writter judicial official's that agency shal content within f	personal information. After a government agency h I remove the judicial official's personal informat	it refrain from disclosing the as received a written request, tion from publicly available y has removed the judicial
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(	General As	sseml	oly Of North Carolina	Session 2023
	<u>(</u>	(2)	No person, business, or association shall solicit, sell, or t	rade on the internet a
			judicial official's personal information with the intent to p	ose an imminent and
			serious threat to the health and safety of the judicial of	ficial or the judicial
			official's immediate family.	
	This su	bsecti	on includes, but is not limited to, internet phone directed	ories, internet search
<u>e</u>	-		data aggregators, and internet service providers.	
	<u>(b)</u>	Requi	<u>red Conduct. –</u>	
	<u>(</u>	(1)	After a person, business, or association has received a w	
			judicial official to protect the privacy of the official's p	
			that person, business, or association shall have 72 h	ours to remove the
			personal information from the internet.	
	<u>(</u>	<u>(2)</u>	After a person, business, or association has received a w	-
			judicial official, that person, business, or association	
			judicial official's personal information is not made avai	
			or subsidiary website controlled by that person, business	
	<u>(</u>	<u>(3)</u>	After receiving a judicial official's written request, no	
			association shall transfer the judicial official's persona	
			other person, business, or association through any mediu	
			ss A judicial official whose information is made pu	
			Article may bring an action seeking injunctive or declarate	
	-	•	sdiction. If the court grants injunctive or declaratory relief,	-
			sponsible for the violation shall be required to pay the ju	dicial official's costs
			torney's fees incurred due to the action.	
'			Procedure for completing a written request.	
			rement That a Judicial Official Make a Written Reques	-
			business, or association shall be found to have violated a	• 1
			icial official fails to submit a written request calling for	the protection of the
<u>(</u>	-		<u>l information.</u>	the set of the fall arrive
		w ritte	en Request Procedure. – A written request shall be valid if e	ither of the following
<u>(</u>	occurs:	(1)	The judicial official sends a written request directly to a g	overnmentel egener
	<u> </u>	<u>(1)</u>	person, business, or association.	overnmental agency,
		( <b>2</b> )	-	and proceedure for a
	<u>(</u>	<u>(2)</u>	If the Administrative Office of the Courts has a policy State judicial official to file the written request with the A	•
			of the Courts to notify government agencies, the State	
			send the written request to the Administrative Office or	
			quarter of a calendar year, the Administrative Office	
			provide a list of all State judicial officials that have submi	
			to the appropriate officer with ultimate supervisory autho	-
			agency. The officer shall promptly provide a copy of the	
			government agencies under the officer's supervision. R	-
			request list compiled by the Administrative Office	
			government agency shall constitute a written request	•
			agency for the purposes of this Article.	to that government
	(c)	A ren	resentative from the judicial official's employer may submi	t a written request on
t			cial's behalf, provided that the judicial official gives wi	
	-		d provided that the representative agrees to furnish a copy	
	-		is made. The representative shall submit the written re	
_		-	this section.	1
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	General Assembly Of North Carolina Session 2023
1	(d) Information to be Included in the Written Request. – A judicial official's written
2	request shall specify what personal information shall be maintained private pursuant to this
3	Article.
4	If a judicial official wishes to identify a secondary residence as a home address as that term
5	is defined in this Article, the designation shall be made in the written request.
6	A judicial official shall disclose the identity of the official's immediate family members and
7	indicate that the personal information of the official's immediate family members shall also be
8	excluded to the extent that it could reasonably be expected to reveal the personal information of
9	the judicial official.
10	(e) Duration of the Written Request. – A judicial official's written request is valid until
11	the judicial official provides the government agency, person, business, or association with written
12	permission to release the private information. A judicial official's written request expires on the
13	death of the judicial official.
14	"§ 7A-410.5G. Unlawful publication of personal information.
15	It is unlawful for any person to knowingly publicly post on the internet the personal
16	information of a judicial official or member of the judicial official's immediate family if (i) the
17	person knows or reasonably should know that publicly posting the personal information poses an
18	imminent and serious threat to the health and safety of the judicial official or member of the
19	judicial official's immediate family and (ii) the violation of this Article is a proximate cause of
20	bodily injury or death of the judicial official or a member of the judicial official's immediate
21	<u>family.</u>
22	A person that violates this section is guilty of a Class C felony.
23	" <u>§ 7A-410.5H. Exceptions for employees of government agencies.</u>
24	Provided that an employee of a government agency has complied with the conditions set forth
25	in this Article, it is not a violation of G.S. 7A-410.5G if an employee of a government agency
26	publishes, in good faith, personal information prohibited from being published under this Article
27	on the website of the government agency in the ordinary course of carrying out public functions.
28	" <u>§ 7A-410.5I. Construction of Article.</u>
29	This Article and any rules adopted to implement this Article shall be construed broadly to
30	favor the protection of the personal information of judicial officials and members of the judicial
31	official's immediate family."
32	SECTION 2. If any part of this act or its application to any person or circumstance
33	is adjudged invalid, such adjudication or application shall not affect the validity of this act as a
34	whole or of any other part.
35	SECTION 3. This act becomes effective December 1, 2023, and applies to personal
20	

information that is made public or continues to remain public on or after that date. 36