

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH10127-LL-252 (4/10)

Short Title: Unlawful to Disclose Undercover Police. (Public)

Sponsors: Representative Thomas.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE INTENTIONAL DISCLOSURE OF THE IDENTITY  
OF UNDERCOVER LAW ENFORCEMENT OFFICERS AND INFORMANTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 30 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-226.3. Disclosure of identity of undercover law enforcement officer or  
informant.**

(a) It is unlawful for any person who has knowledge of the identity of an  
undercover law enforcement officer to intentionally disclose any information  
identifying that officer to another person, knowing that the information identifies the  
officer and knowing that a law enforcement agency is taking affirmative measures to  
conceal that officer's identity as an undercover officer. Violation of this subsection is a  
Class I felony.

(b) It is unlawful for any person who has knowledge of the identity of a law  
enforcement informant to intentionally disclose any information identifying that  
informant to another person, knowing that the information identifies the informant and  
knowing that a law enforcement agency is taking affirmative measures to conceal that  
informant's activities. Violation of this subsection is a Class I felony.

(c) This section does not apply to disclosures made during discovery proceedings  
in a legal action or as otherwise ordered by a court of law."

**SECTION 2.** G.S. 153A-98(c1) reads as rewritten:

"(c1) Even if considered part of an employee's personnel file, information that  
might identify an undercover law enforcement officer or a law enforcement informant  
shall not be disclosed to any person, and the following information need not be  
disclosed to an employee nor to any other person:

- 1 (1) Testing or examination material used solely to determine individual  
2 qualifications for appointment, employment, or promotion in the  
3 county's service, when disclosure would compromise the objectivity or  
4 the fairness of the testing or examination process.
- 5 (2) Investigative reports or memoranda and other information concerning  
6 the investigation of possible criminal actions of an employee, until the  
7 investigation is completed and no criminal action taken, or until the  
8 criminal action is concluded.
- 9 ~~(3) Information that might identify an undercover law enforcement officer  
10 or a law enforcement informer.~~
- 11 (4) Notes, preliminary drafts and internal communications concerning an  
12 employee. In the event such materials are used for any official  
13 personnel decision, then the employee or his duly authorized agent  
14 shall have a right to inspect such materials."

15 **SECTION 3.** G.S. 160A-168(c1) reads as rewritten:

16 "(c1) Even if considered part of an employee's personnel file, information that  
17 might identify an undercover law enforcement officer or a law enforcement informant  
18 shall not be disclosed to any person, and the following information need not be  
19 disclosed to an employee nor to any other person:

- 20 (1) Testing or examination material used solely to determine individual  
21 qualifications for appointment, employment, or promotion in the city's  
22 service, when disclosure would compromise the objectivity or the  
23 fairness of the testing or examination process.
- 24 (2) Investigative reports or memoranda and other information concerning  
25 the investigation of possible criminal actions of an employee, until the  
26 investigation is completed and no criminal action taken, or until the  
27 criminal action is concluded.
- 28 ~~(3) Information that might identify an undercover law enforcement officer  
29 or a law enforcement informer.~~
- 30 (4) Notes, preliminary drafts and internal communications concerning an  
31 employee. In the event such materials are used for any official  
32 personnel decision, then the employee or his duly authorized agent  
33 shall have a right to inspect such materials."

34 **SECTION 4.** This act becomes effective December 1, 2007, and applies to  
35 acts committed on or after that date.