

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1733

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

Sponsors: Representatives Thomas, T. Harrell, Barnhart, Brubaker (Primary Sponsors); Almond, Blust, Boylan, Braxton, Brisson, Brown, Cleveland, Cole, Cotham, Current, Dollar, England, Fisher, Folwell, Frye, Gibson, Gillespie, Goforth, Grady, Gulley, Harrison, Holliman, Holloway, Howard, Johnson, Justice, Justus, Killian, Kiser, Martin, Rapp, Samuelson, Saunders, Setzer, Spear, Stam, Steen, Tillis, Tolson, Tucker, Wainwright, Walend, West, Wilkins, and Wright.

Referred to: Judiciary III.

April 19, 2007

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:

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

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

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

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

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

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