

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 348  
Committee Substitute Favorable 5/9/11  
Third Edition Engrossed 5/18/11**

Short Title: Offenders/No Access to Personnel Records.-AB

(Public)

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Sponsors:

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Referred to:

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March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT OFFENDERS ARE PROHIBITED FROM OBTAINING  
PUBLIC EMPLOYEES' PERSONNEL RECORDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Assembly finds that allowing inmates, probationers, parolees, and post-release supervisees to access public employees' personnel files that are public records under State law exposes those public employees to the risk of harassment and even violence. The General Assembly further finds that such offenders, due to their status as inmates, probationers, parolees, and post-release supervisees, are not entitled to the same privileges and rights exercised by members of the general public and should be prohibited from accessing public employees' personnel files in the interest of protecting those public employees from harm.

**SECTION 2.** G.S. 126-23 reads as rewritten:

**"§ 126-23. Certain records to be kept by State agencies open to inspection.**

(a) Each department, agency, institution, commission and bureau of the State shall maintain a record of each of its employees, showing the following information with respect to each such employee:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to State service.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.
- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau.
- (10) Date and general description of the reasons for each promotion with that department, agency, institution, commission, or bureau.
- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the department, agency, institution, commission, or bureau.



1 If the disciplinary action was a dismissal, a copy of the written notice of the  
2 final decision of the head of the department setting forth the specific acts or  
3 omissions that are the basis of the dismissal.

4 (12) The office or station to which the employee is currently assigned.

5 (b) For the purposes of this section, the term "salary" includes pay, benefits, incentives,  
6 bonuses, and deferred and all other forms of compensation paid by the employing entity.

7 (c) Subject only to rules and regulations for the safekeeping of the records, adopted by  
8 the State Personnel Commission, every person having custody of such records shall permit  
9 them to be inspected and examined and copies thereof made by any person during regular  
10 business hours. ~~Any~~ Except as provided in subsection (d) of this section, any person who is  
11 denied access to any such record for the purpose of inspecting, examining or copying the same  
12 shall have a right to compel compliance with the provisions of this section by application to a  
13 court of competent jurisdiction for a writ of mandamus or other appropriate relief.

14 (d) Notwithstanding any other provision of this section, persons in the custody of, or  
15 under the supervision of, the Department of Correction and persons in the custody of local  
16 confinement facilities are not entitled to access to the records made public under this section  
17 and are prohibited from obtaining those records, absent a court order authorizing access to, or  
18 custody, or possession."

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