

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 384

Short Title: Protect Robbery Witness.

(Public)

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Sponsors: Senators Dalton, Soles; Allran, Ballance, Horton, Miller, Reeves, and Weinstein.

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Referred to: Judiciary.

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March 13, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE PUBLIC RECORDS LAW TO PROTECT THE IDENTITY  
2 OF EMPLOYEES OF FINANCIAL INSTITUTIONS IN THE EVENT OF  
3 ROBBERY.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 132-1.4(d) reads as rewritten:

7 "(d) A public law enforcement agency shall temporarily withhold the name or  
8 address of a complaining witness if release of the information is reasonably likely to pose  
9 a threat to the mental health, physical health, or personal safety of the complaining  
10 witness or materially compromise a continuing or future criminal investigation or  
11 criminal intelligence operation. Information temporarily withheld under this subsection  
12 shall be made available for release to the public in accordance with G.S. 132-6 as soon as  
13 the circumstances that justify withholding it cease to exist. However, for purposes of this  
14 section, in the event of the robbery of a financial institution as defined in G.S. 53B-2(2),  
15 the financial institution shall be considered to be the complaining witness and the sex,  
16 age, and address of any individual employee of that institution is not a public record  
17 within the meaning of G.S. 132-1.

18 Any person denied access to information withheld under this subsection may apply to  
19 a court of competent jurisdiction for an order compelling disclosure of the information.

1 In such action, the court shall balance the interests of the public in disclosure against the  
2 interests of the law enforcement agency and the alleged victim in withholding the  
3 information. Actions brought pursuant to this subsection shall be set down for immediate  
4 hearing, and subsequent proceedings in such actions shall be accorded priority by the trial  
5 and appellate courts."

6       Section 2. This act is effective when it becomes law and applies to robberies  
7 occurring on or after that date.