

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 859*

Short Title: AOC/Custody & Availability of Ct Records. (Public)

Sponsors: Representative Boles (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee A.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE ADMINISTRATIVE OFFICE OF THE COURTS IS A
CUSTODIAN OF COURT RECORDS, TO CLARIFY THAT THOSE COURT
RECORDS ARE A PUBLIC RECORD AND ARE AVAILABLE UPON REQUEST TO A
THIRD PARTY UPON PAYMENT OF A REASONABLE AMOUNT TO COVER
REPRODUCTION COSTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-109(d) reads as rewritten:

"(d) In order to facilitate public access to court records, except where public access is prohibited by law, the Director may enter into one or more nonexclusive contracts ~~under reasonable cost recovery terms~~ with third parties to provide remote electronic access to the records by the public. The records shall be provided to any third party who remits to the State Treasurer a sum that compensates the State for the actual cost of reproducing the records pursuant to G.S. 132-6.2. Payment of the sum shall be the sole requirement imposed upon the third party seeking records. Costs recovered pursuant to this subsection shall be remitted to the State Treasurer to be held. The sums remitted to the State Treasurer pursuant to this subsection shall be held in the Court Information Technology Fund established in G.S. 7A-343.2. Nothing in this subsection shall be construed to supersede the provisions and requirement of G.S. 132-1."

SECTION 2. G.S. 7A-109 is amended by adding a new subsection to read:

"(f) Any collection of court records maintained under this section is a public record and shall be provided by the Director in its entirety upon request, absent express statutory exemptions, pursuant to G.S. 132-1. The Director shall be considered a custodian of such records for purposes pursuant to G.S. 132-1."

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

