

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 577*

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

Sponsors: Senator Hartsell.

Referred to: Finance.

April 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE ADMINISTRATIVE OFFICE OF THE COURTS IS A
3 CUSTODIAN OF COURT RECORDS, TO CLARIFY THAT THOSE COURT
4 RECORDS ARE A PUBLIC RECORD AND ARE AVAILABLE UPON REQUEST TO A
5 THIRD PARTY UPON PAYMENT OF A REASONABLE AMOUNT TO COVER
6 REPRODUCTION COSTS.

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

