

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 972

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H972-ASA-200 [v.3]

Page 1 of 2

Amends Title [NO]
Fifth Edition

Date _____, 2016

Senator McKissick

1 moves to amend the bill on page 3, lines 21-22
2 by inserting the following between those lines:

3 "(e1) Release of Recordings to Certain Persons; Expedited Process. – Notwithstanding the
4 provisions of subsection (f) of this section, a person authorized to receive disclosure pursuant to
5 subsection (c) of this section, or the custodial law enforcement agency, may petition the superior
6 court in any county where any portion of the recording was made for an order releasing the
7 recording the to a person authorized to receive disclosure. There shall be no fee for filing the
8 petition which shall be filed on a form approved by the Administrative Office of the Courts and
9 shall state the date and approximate time of the activity captured in the recording, or otherwise
10 identify the activity with reasonable particularity sufficient to identify the recording. If the
11 petitioner is a person authorized to receive disclosure, notice and an opportunity to be heard shall
12 be given to the head of the custodial law enforcement agency. Petitions filed pursuant to this
13 subsection shall be set down for hearing as soon as practicable and shall be accorded priority by
14 the court.

15 The court shall first determine if the person to whom release of the recording is requested is a
16 person authorized to receive disclosure pursuant to subsection (c) of this section. In making this
17 determination, the court may conduct an in-camera review of the recording, and may, in its
18 discretion, allow the petitioner to be present to assist in identifying the image or voice in the
19 recording that authorizes disclosure to the person to whom release is requested. If the court
20 determines that the person is not authorized to receive disclosure pursuant to subsection (c) of this
21 section, there shall be no right of appeal and the petitioner may file an action for release pursuant
22 to subsection (f) of this section.

23 If the court determines that the person to whom release of the recording is requested is a
24 person authorized to receive disclosure pursuant to subsection (c) of this section, the court shall
25 consider the standards set out in subsection (f) of this section and any other standards the court
26 deems relevant in determining whether to order the release of all or a portion of the recording. The
27 court may conduct an in-camera review of the recording. The court shall release only those
28 portions of the recording that are relevant to the person's request, and may place any conditions or
29 restrictions on the release of the recording that the court, in its discretion, deems appropriate.";
30

31 And on page 4, line 5
32 By deleting "subsections (c) and (f)" and inserting "subsections (c), (e1), and (f)".



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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
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