

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 465  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10262-ND-55

Short Title: Charlotte Citizens Review Brd Subpoena Power. (Local)

Sponsors: Representative Autry.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO GRANT CERTAIN SUBPOENA POWER TO THE CITY OF CHARLOTTE  
3 CITIZENS REVIEW BOARD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-168(c), as amended by Section 3 of S.L. 1997-305, reads  
6 as rewritten:

7 "(c) All information contained in a city employee's personnel file, other than the  
8 information made public by subsection (b) of this section, is confidential and shall be open to  
9 inspection only in the following instances:

10 ...

11 (8) In order to facilitate citizen review of the police disciplinary process, the city  
12 manager or the chief of police, or their designees, may release the disposition  
13 of disciplinary charges against a police officer and the facts relied upon in  
14 determining the disposition to the person alleged to have been aggrieved by  
15 the officer's actions or to that person's survivor and to members of the citizens'  
16 review board. Board members shall maintain as confidential all personnel  
17 information to which they gain access as a member of the Board. Each  
18 member of the Board shall execute and adhere to a Confidentiality Agreement  
19 that is satisfactory to the City. For purposes of this subdivision, the 'disposition  
20 of disciplinary charges' includes determinations that the charges are sustained,  
21 not sustained, unfounded, exonerated, classified as an information file, or  
22 classified as any other disciplinary disposition category subsequently adopted  
23 by the Charlotte-Mecklenburg Police Department. In the event that the  
24 citizens' review board hears an appeal of a police disciplinary case, the  
25 disposition of the case, as defined in this subdivision, as well as the facts and  
26 circumstances of the case, may be released by the city manager or the chief of  
27 police, or their designees, to any person whose presence is necessary to the  
28 appeals hearing as determined by the chief of police or his designee. In the  
29 conduct of evidentiary fact-finding proceedings, any of the following may  
30 subpoena witnesses and compel the production of evidence: (i) the chair, (ii)  
31 the vice-chair when acting in the absence of the chair, and (iii) a majority of  
32 the members of the Board. If a person fails or refuses to obey a subpoena  
33 issued pursuant to this subdivision, the Board may apply to the General  
34 Court of Justice, Superior Court Division, for an order requiring that the  
35 subpoena be obeyed, and the court shall have jurisdiction to issue the order  
36 after notice to all parties.



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**SECTION 2.** This act applies to the City of Charlotte only.

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