12 NCAC 04I .0409 is proposed for adoption as follows:

12 NCAC 04I .0409 ACCESS TO CHRI BY ATTORNEYS

(a) An attorney must have entered in to a proceeding in accordance with G. S. 15A-141 in order to access CHRI. The attorney may have access to the CHRI of only the defendant he or she is representing.

(b) If, during a proceeding, an attorney desires CHRI of an individual involved in the proceeding other than the attorney's client, the attorney shall make a motion before the court indicating the desire for the CHRI.

(c) In order to maintain compliance with state and federal requirements an attorney shall disclose the purpose for any request of CHRI.

(d) CIIS shall provide a form to be utilized by any DCIN user when fulfilling a request for CHRI by an attorney. This form shall help ensure compliance with state and federal rules regarding access to and dissemination of CHRI.

(e) The attorney must fill out all applicable fields of the form and return it to the DCIN user to process the request. The attorney shall provide:

(1) the client's name;
(2) docket number for the matter;
(3) prosecutorial district in which the matter is being tried; and
(4) the next date on which the matter is being heard.

(f) The attorney may submit requests for CHRI only within the prosecutorial district of the District Attorney that is prosecuting the defendant(s). If a change of venue has been granted during a proceeding, this rule still applies, and the attorney must still seek the CHRI from the prosecutorial district within which the proceeding originated.

(g) Records of requests and dissemination to attorneys must be kept by the disseminating agency for a period of one year.

(h) Requests for North Carolina-only CHRI may be notarized in lieu of approval from the DA or ADA.

Authority G.S. 114-10; 114-10.1; 15A-141.