

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 524

Short Title: Expand Fair Treatment for Victims.

(Public)

Sponsors: Representatives Huffman; Justus and Gardner.

Referred to: Judiciary.

March 13, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL INFORMATION TO VICTIMS AND WITNESSES OF CRIMES ABOUT THEIR RIGHTS AND THE TRIAL PROCEEDINGS CONCERNING THEM AND TO INCLUDE SERIOUS MISDEMEANORS COMMITTED BY JUVENILES AMONG THE CRIMES FOR WHICH SUCH INFORMATION IS TO BE MADE AVAILABLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-824 reads as rewritten:

§ 15A-824. Definitions.

As used in this Article, unless the context clearly requires otherwise:

- (1) 'Crime' means a serious misdemeanor as determined in the sole discretion of the district attorney, any felony-felony, or an any act committed by a juvenile that, if committed by a competent adult, would constitute a felony.
- (2) 'Family member' means a spouse, child, parent or legal guardian, or the closest living relative.
- (3) 'Victim' means a person against whom there is probable cause to believe a crime has been committed.
- (4) 'Witness' means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony, or who by reason of having relevant information is subject to being called or is likely to be called as a witness for the prosecution in such an action, whether or not an action or proceeding has been commenced."

1           Sec. 2. G.S. 15A-825 reads as rewritten:

2   **"§ 15A-825. Treatment due victims and witnesses.**

3       To the extent reasonably possible and subject to available resources, the employees  
4 of law-enforcement agencies, the prosecutorial system, the judicial system, and the  
5 correctional system should make a reasonable effort to assure that each victim and  
6 witness within their jurisdiction:

7           (1) Is provided information regarding immediate medical assistance when  
8           needed and is not detained for an unreasonable length of time before  
9           having such assistance administered.

10          (2) Is provided information about available protection from harm and  
11          threats of harm arising out of cooperation with law-enforcement  
12          prosecution efforts, and receives such protection.

13          (3) Has any stolen or other personal property expeditiously returned by  
14          law-enforcement agencies when it is no longer needed as evidence,  
15          and its return would not impede an investigation or prosecution of the  
16          case. When feasible, all such property, except weapons, currency,  
17          contraband, property subject to evidentiary analysis, and property  
18          whose ownership is disputed, should be photographed and returned to  
19          the owner within a reasonable period of time of being recovered by  
20          law-enforcement officials.

21          (4) Is provided appropriate employer intercession services to seek the  
22          employer's cooperation with the criminal justice system and minimize  
23          the employee's loss of pay and other benefits resulting from such  
24          cooperation whenever possible.

25          (4a) Shall not be compelled to state his home or employment address on the  
26          record when providing testimony, unless such information is deemed  
27          relevant by the court.

28          (5) Is provided, whenever practical, a secure waiting area during court  
29          proceedings that does not place the victim or witness in close  
30          proximity to defendants and families or friends of defendants.

31          (6) Is informed of the procedures to be followed to apply for and receive  
32          any appropriate witness fees or victim compensation.

33          (6a) Is informed of the right to be present throughout the entire trial of the  
34          defendant, subject to the right of the court to sequester witnesses.

35          (7) Is given the opportunity to be present during the final disposition of  
36          the case or is informed of the final disposition of the case, if he has  
37          requested to be present or be informed.

38          (8) Is notified, whenever possible, that a court proceeding to which he has  
39          been subpoenaed will not occur as scheduled.

40          (9) Has a victim impact statement prepared for consideration by the court.

41          (9a) Is notified by the district attorney, to the extent reasonably possible,  
42          whenever that office is prepared to recommend a plea bargain to the  
43          court.

- 1 (10) Is informed that civil remedies may be available and that statutes of  
2 limitation apply in civil cases.
- 3 (11) Upon the victim's written request, ~~Is~~ is notified before a proceeding is  
4 held at which the release of the offender from custody is considered, if  
5 the crime for which the offender was placed in custody is a Class G or  
6 more serious felony.
- 7 (12) Upon the victim's written request, ~~Is~~ is notified if the offender escapes  
8 from custody or is released from custody, if the crime for which the  
9 offender was placed in custody is a Class G or more serious felony.
- 10 (13) Has family members of a homicide victim offered all the guarantees in  
11 this section, except those in subdivision (1)."
- 12 Sec. 3. This act shall become effective October 1, 1989.