

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 524
Committee Substitute Favorable 4/20/89
Judiciary I Senate Committee Substitute Adopted 6/23/89

Short Title: Expand Fair Treatment for Victims.

(Public)

Sponsors:

Referred to:

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 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

1 an action, whether or not an action or proceeding has been
2 commenced."

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

4 **"§ 15A-825. Treatment due victims and witnesses.**

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

- 9 (1) Is provided information regarding immediate medical assistance when
10 needed and is not detained for an unreasonable length of time before
11 having such assistance administered.
- 12 (2) Is provided information about available protection from harm and
13 threats of harm arising out of cooperation with law-enforcement
14 prosecution efforts, and receives such protection.
- 15 (2a) Is provided information that testimony as to one's home address is not
16 relevant in every case, and that the victim or witness may request the
17 district attorney to raise an objection should he/she deem it appropriate
18 to this line of questioning in the case at hand.
- 19 (3) Has any stolen or other personal property expeditiously returned by
20 law-enforcement agencies when it is no longer needed as evidence,
21 and its return would not impede an investigation or prosecution of the
22 case. When feasible, all such property, except weapons, currency,
23 contraband, property subject to evidentiary analysis, and property
24 whose ownership is disputed, should be photographed and returned to
25 the owner within a reasonable period of time of being recovered by
26 law-enforcement officials.
- 27 (4) Is provided appropriate employer intercession services to seek the
28 employer's cooperation with the criminal justice system and minimize
29 the employee's loss of pay and other benefits resulting from such
30 cooperation whenever possible.
- 31 (5) Is provided, whenever practical, a secure waiting area during court
32 proceedings that does not place the victim or witness in close
33 proximity to defendants and families or friends of defendants.
- 34 (6) Is informed of the procedures to be followed to apply for and receive
35 any appropriate witness fees or victim compensation.
- 36 (6a) Is informed of the right to be present throughout the entire trial of the
37 defendant, subject to the right of the court to sequester witnesses.
- 38 (7) Is given the opportunity to be present during the final disposition of
39 the case or is informed of the final disposition of the case, if he has
40 requested to be present or be informed.
- 41 (8) Is notified, whenever possible, that a court proceeding to which he has
42 been subpoenaed will not occur as scheduled.
- 43 (9) Has a victim impact statement prepared for consideration by the court.

- 1 (9a) Prior to trial, is provided information about plea bargaining procedures
2 and is told that the district attorney may recommend a plea bargain to
3 the court.
- 4 (10) Is informed that civil remedies may be available and that statutes of
5 limitation apply in civil cases.
- 6 (11) Upon the victim's written request, Is-is notified before a proceeding is
7 held at which the release of the offender from custody is considered, if
8 the crime for which the offender was placed in custody is a Class G or
9 more serious felony.
- 10 (12) Upon the victim's written request, Is-is notified if the offender escapes
11 from custody or is released from custody, if the crime for which the
12 offender was placed in custody is a Class G or more serious felony.
- 13 (13) Has family members of a homicide victim offered all the guarantees in
14 this section, except those in subdivision (1).
- 15 Nothing in this section shall be construed to create a cause of action for failure to
16 comply with its requirements."
- 17 Sec. 3. This act shall become effective October 1, 1989.