

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH60140-RK-10 (3/18)

Short Title: Revise Exclusionary Rule.

(Public)

Sponsors: Representative Stam.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT EVIDENCE MAY ONLY BE SUPPRESSED IN A
CRIMINAL TRIAL IF ITS EXCLUSION IS REQUIRED BY THE
CONSTITUTION OF THE UNITED STATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-974 reads as rewritten:

"§ 15A-974. Exclusion or suppression of unlawfully obtained evidence.

Upon timely motion, evidence ~~must~~ may only be suppressed ~~if~~ if its exclusion is required by the Constitution of the United States.

(1) ~~Its exclusion is required by the Constitution of the United States or the Constitution of the State of North Carolina; or~~

(2) ~~It is obtained as a result of a substantial violation of the provisions of this Chapter. In determining whether a violation is substantial, the court must consider all the circumstances, including:~~

a. ~~The importance of the particular interest violated;~~

b. ~~The extent of the deviation from lawful conduct;~~

c. ~~The extent to which the violation was willful;~~

d. ~~The extent to which exclusion will tend to deter future violations of this Chapter."~~

SECTION 2. This act becomes effective December 1, 2003, and shall apply to all criminal trials pending or commencing on or after that date.