

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1211

Short Title: Discovery/Confidential Identity Info. (Public)

Sponsors: Representatives Sutton; and Ed Jones.

Referred to: Judiciary III.

April 13, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROTECT PERSONAL IDENTIFYING INFORMATION OF VICTIMS
2 AND WITNESSES, TO CLARIFY THAT THE STATE IS NOT REQUIRED TO
3 DISCLOSE THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A
4 CRIMINAL CASE UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY
5 LAW, AND TO PROTECT THE WORK PRODUCT OF PROSECUTORS.
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7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 15A-904 reads as rewritten:

9 "**§ 15A-904. Disclosure by the State – Certain information not subject to**
10 **disclosure.**

11 (a) The State is not required to disclose written materials drafted by the
12 prosecuting attorney or the prosecuting attorney's legal staff for their own use at trial,
13 including witness examinations, voir dire questions, opening statements, and closing
14 arguments. Disclosure is also not required of legal research or of records,
15 correspondence, reports, memoranda, or trial preparation interview notes prepared by
16 the prosecuting attorney or by members of the prosecuting attorney's legal staff ~~to the~~
17 ~~extent they contain the opinions, theories, strategies, or conclusions of the prosecuting~~
18 ~~attorney or the prosecuting attorney's legal staff.~~

19 (a1) The State is not required to disclose the identity of a confidential informant
20 unless the disclosure is required by constitutional or statutory law.

21 (a2) The State is not required to disclose personal information of a victim or a
22 State's witness unless it is constitutionally required to be disclosed.

23 (b) Nothing in this section prohibits the State from making voluntary disclosures
24 in the interest of justice nor prohibits a court from finding that the protections of this
25 section have been waived.

26 (c) This section shall have no effect on the State's duty to comply with federal or
27 State constitutional disclosure requirements."

28 **SECTION 2.** This act is effective when it becomes law and applies to
29 pending cases.