

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 768

Short Title: Discovery/DA Work Product & Confid. Informant. (Public)

Sponsors: Representatives R. Warren, Spear (Primary Sponsors); Brown, Church, and Faison.

Referred to: Judiciary II.

March 15, 2007

A BILL TO BE ENTITLED

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2 AN ACT TO CLARIFY THAT THE STATE IS NOT REQUIRED TO DISCLOSE
3 THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A CRIMINAL CASE
4 UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY LAW, AND TO
5 PROTECT THE WORK PRODUCT OF PROSECUTORS.

6 The General Assembly of North Carolina enacts:

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

8 "**§ 15A-904. Disclosure by the State – Certain information not subject to**
9 **disclosure.**

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

18 (a1) The State is not required to disclose the identity of a confidential informant
19 unless the disclosure is otherwise required by law.

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

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

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