

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1072*
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Short Title: T.V. Testimony.

(Public)

Sponsors: Representative Rhyne.

Referred to: Judiciary I.

April 23, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A CHILD VICTIM MAY TESTIFY IN COURT IN
3 CERTAIN CRIMINAL CASES BY MEANS OF CLOSED CIRCUIT
4 TELEVISION.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 15A of the General Statutes is amended by adding a new
7 Article to read:

8 **"ARTICLE 61.1.**

9 **"TESTIMONY BY CLOSED CIRCUIT TELEVISION.**

10 **"§ 15A-1056. Testimony of child victim in certain cases by means of closed circuit**
11 **television.**

12 (a) In a case in which a defendant is accused of physical or sexual abuse of a
13 child, a court may order that the testimony of a child victim be taken outside the
14 courtroom and shown in the courtroom by means of closed circuit television if: (i) the
15 testimony is taken during the proceeding; and (ii) the judge determines that testimony
16 by the child victim in the courtroom in the presence of the defendant will result in the
17 child suffering serious emotional distress such that the child cannot reasonably
18 communicate. Only the prosecuting attorney, attorney for the defendant, and judge may
19 question the child.

20 (b) Only the following persons may be in the room with the child when the child
21 testifies by closed circuit television:

22 (1) The prosecuting attorney.

23 (2) The attorney for the defendant.

1 (3) The operators of the closed circuit television equipment.

2 (4) Any person whose presence, in the discretion of the court, contributes
3 to the reliability of the child's testimony, including the child's parent or
4 guardian, guardian **ad litem**, and a person who has dealt with the child
5 in a therapeutic setting concerning the abuse.

6 (c) During the child's testimony by closed circuit television, the judge and the
7 defendant shall be in the courtroom. The judge and the defendant shall be allowed to
8 communicate with the persons in the room where the child is testifying by any
9 appropriate electronic method.

10 (d) This section may not be interpreted to preclude, for purposes of identification
11 of a defendant, the presence of both the victim and the defendant in the courtroom at the
12 same time.

13 (e) This section does not apply if the defendant is representing himself without
14 the benefit of counsel.

15 (f) For purposes of this section a child is an individual who is less than 14 years
16 old."

17 Sec. 2. This act shall become effective upon ratification and applies to trials
18 beginning after that date.