

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH70055-LH-22 (12/18)

Short Title: Uncorroborated Snitch/No Agg. Circumstances.

(Public)

Sponsors: Representative Glazier.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A JURY IN A CAPITAL CASE SHALL NOT FIND AN
AGGRAVATING CIRCUMSTANCE BASED ON THE UNCORROBORATED
TESTIMONY OF AN IN-CUSTODY INFORMANT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 73 of Chapter 15A of the General Statutes is amended by
adding a new section to read:

**"§ 15A-1226.1. Uncorroborated testimony of in-custody inmate cannot be used to find an
aggravating circumstance in capital case.**

(a) As used in this section the term "in-custody informant" means a person, other than a
codefendant, percipient witness, accomplice, or coconspirator, whose testimony is based on
statements allegedly made by the defendant while both the defendant and the informant were
held within a city or county jail, State penal institution, or correctional institution.

(b) A jury in a capital case shall not find an aggravating circumstance based on the
uncorroborated testimony of an in-custody informant. The testimony of an in-custody
informant shall be corroborated by other evidence that connects the defendant with the
evidence offered to establish an aggravating circumstance. Corroboration of an in-custody
informant shall not be provided by the testimony of another in-custody informant unless the
party calling the in-custody informant as a witness establishes by a preponderance of the
evidence that the in-custody informant has not communicated with another in-custody
informant on the subject of the testimony."

SECTION 2. This act becomes effective October 1, 2009, and applies to all capital
cases tried on or after that date.

