

March 15, 2001

H 643. TESTIMONIAL PRIVILEGE FOR VIOLENCE VICTIMS. ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS, RAPE CRISIS CENTERS, AND DOMESTIC VIOLENCE PROGRAMS. Amends Art. 7, GS Ch. 8 to create privilege for victim of domestic violence or of sexual assault. Grants domestic violence or sexual assault victim absolute privilege not to disclose and to prevent any other person from disclosing communication made by, for, or about the victim or made, given to or prepared by or for any agent, employee, or volunteer of center. Allows district court judge or superior court judge to supersede the privilege after a hearing only if the party seeking access to communication meets burden defined in act. Permits court to order disclosure only if standard for disclosure set out in act is met. Defines "victim" of domestic violence or of sexual assault to include persons who have a significant relationship with victim and who have sought advice, counseling, or assistance concerning a mental, physical, or emotional condition caused or reasonably believed to be caused by the domestic violence or sexual assault against the victim. Provides that act does not relieve any person of duty to report abuse or neglect. Effective Dec. 1, 2001, and applies to actions and proceedings pending in the courts on or after that date.

Intro. by Hackney.

Ref. to Judiciary I	GS 8
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April 16, 2001

H 643. TESTIMONIAL PRIVILEGE FOR VIOLENCE VICTIMS. Intro. 3/15/01. House committee substitute makes the following changes to 1st edition. Rewrites title to read *ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS*. Defines agent of center or program as agent, employee, or volunteer who has completed at least 20 hours of training. Establishes privilege for communications from victims of domestic violence or sexual assaults to agents of domestic violence programs or rape crisis centers. Sets out findings which trial judge must make to waive privilege: that evidence is material, not sought merely for character impeachment, and not merely cumulative. Requires court to receive privileged documents under seal, after findings made, and to disclose those portions containing information subject to disclosure under act.

June 13, 2001

H 643. TESTIMONIAL PRIVILEGE FOR VIOLENCE VICTIMS. Intro. 3/15/01. Senate committee substitute changes 2nd edition to further define the services covered by the testimonial privilege and to specifically exclude investigation of physical or sexual assault of children under the age of 16. Makes several technical changes.

June 18, 2001

H 643. TESTIMONIAL PRIVILEGE FOR VIOLENCE VICTIMS. Intro. 3/15/01. Senate amendment makes the following changes to 3rd edition: (1) provides that a court may compel disclosure if the court finds, by a preponderance of the evidence (3rd ed., by "clear and convincing" evidence) that a good faith, specific, and reasonable basis exists for believing that the records, testimony, or evidence sought meets the standards set forth in the 3rd edition, and (2) deletes from the list of services that gives rise to the privileged communications "peer and group counseling."

July 16, 2001

SL 2001-277 (H 643). TESTIMONIAL PRIVILEGE FOR VIOLENCE VICTIMS. AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS. Summarized in *Daily Bulletin* 3/15/01, 4/18/01, 6/13/01, and 6/18/01. Enacted July 12, 2001. Effective Dec. 1, 2001, and applies to all communications made on or after that date.