

April 18, 2007

**H 1625. EYEWITNESS ID REFORM ACT.** Filed 4/18/07. *TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.*

Enacts new Article 14A of GS Chapter 15A, titled the Eyewitness Identification Reform Act and comprised of new GS 15A-284.50, 15A-284.51, 15A-284.52, and 15A-284.53. The Eyewitness Identification Reform Act sets forth mandatory lineup procedures for use by state, county, and other local law enforcement officers that include the requirements that (1) the lineup administrator not know which person in the lineup is a suspect, or if an independent administrator is not available, requires the double blind administration of the lineup; (2) there be at least five fillers in a photo lineup and at least four fillers in a live lineup, with the fillers generally resembling the description of the suspect as much as possible; (3) the lineup administrator document a clear statement from the eyewitness as to the eyewitness's confidence level in his or her identification that a person in the lineup is the perpetrator; and (4) there be a video record of the live identification procedure if possible, and if not, an audio record or at a minimum a well-documented written record. Provides alternate methods of identification to be used when an independent administrator is not available. Requires every law enforcement agent to adopt standardized witness instructions to be read and signed by the witness at the time of the identification procedure. Noncompliance with the lineup requirements may be considered by a judge in adjudicating a motion to suppress, and noncompliance and compliance are admissible as evidence as to the reliability of the eyewitness identification. Effective December 1, 2007.

**Intro. By Glazier, Stam, Ross, Lucas.**

GS 15A

April 25, 2007

**H 1625. EYEWITNESS ID REFORM ACT.** Filed 4/18/07. House committee substitute makes the following changes to 1st edition. Makes the following changes to proposed GS 15A-284.52: (1) removes the requirement that a double blind administration of the lineup occur when conducting a lineup when an independent administrator is not available, (2) removes the description of simultaneous presentation of individuals or photos, (3) clarifies that witnesses are separated to discourage them from conferring with each other before or during the procedure (was, witness must not be allowed to confer with each other before, during, or after the procedure), (4) requires that alternative identification methods are used when an independent administrator is not available to achieve neutral administration (was, neutral blind administration), (5) reorganizes definition section, (6) makes a conforming removal of the definition of blind administration, and (7) makes technical and clarifying changes. Changes proposed GS 15A-284.53 by requiring the Department of Justice to consult with the Education Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission in developing training programs and educational materials for law enforcement officers.

July 17, 2007

**H 1625. EYEWITNESS ID REFORM ACT.** Filed 4/18/07. Senate committee substitute makes the following changes to 2nd edition. Modifies proposed new GS 15A-284.52 to require lineups to be conducted by an independent administrator or by an alternative method (was, in the event an independent administrator is not available, an alternative method may be used). Requires an eyewitness to sign an acknowledgement of receipt of written lineup instructions and if the eyewitness refuses to sign, the lineup administrator must note the refusal and sign the acknowledgement. Removes the requirement that every law enforcement agency adopt standardized witness instructions, which must be read and signed by the witness at the time of the identification procedure. Modifies proposed new GS 15A-284.53 to require educational materials and training programs to be created and conducted by the NC Criminal Justice Education and Training Standards Commission and the NC Sheriff's Education Training and Standards Commission, in consultation with the Department of Justice (was, by the Department of Justice, in consultation with the Education Training Committee of the NC Criminal Justice Education and Training Standards Commission). Changes the effective date from December 1, 2007, to March 1, 2008.

August 27, 2007

**SL 2007-421 (H 1625). EYEWITNESS ID REFORM ACT.** *AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.* Summarized in *Daily Bulletin* 4/18/07, 4/25/07, and 7/17/07. Enacted August 23, 2007. Effective March 1, 2008.