

February 24, 2009

H 281. UNCORROBORATED SNITCH/NO AGG. CIRCUMSTANCES. Filed 2/24/09. *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.*

Amends GS Chapter 15A, Article 73 (Criminal Jury Trial), by adding new GS 15A-1226.1, which prohibits the jury in capital cases from finding an aggravating circumstance based on the uncorroborated testimony of an in-custody informant. Defines *in-custody informant* as a person offering testimony about statements made by the defendant to that person while both were being held in jail or another penal facility, excluding statements made to a co-defendant, accomplice, or others related to the crime. Specifies that corroboration may not be by testimony of another in-custody informant, unless preponderance of evidence demonstrates that the two informants did not communicate about the subject of the testimony. Applies to all capital cases tried on or after October 1, 2009.

Intro. by Glazier.

GS 15A