

May 25, 2010

S 1393. ENHANCE PROTECTION OF VICTIMS & WITNESSES. Filed 5/25/10. *TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING WITH A WITNESS AND TO APPROPRIATE FUNDS TO THE JUDICIAL DEPARTMENT TO ASSIST WITH IMPLEMENTATION COSTS.*

Appropriates \$10,000 for 2010-11 from the General Fund to the Judicial Department to assist in implementing an amendment to the North Carolina Rules of Evidence. Amends GS 8C-1, North Carolina Rule of Evidence 804(b), by adding a new subdivision providing that a statement is not excluded from admission into evidence by the hearsay rule if the statement is offered against a party that has engaged or acquiesced in wrongdoing intended to procure and procuring the unavailability of the declarant. Provides that the court shall determine the admissibility of the statement by a preponderance of the evidence.

Amends GS 14-226(a) to provide that threatening a person summoned or acting as a witness or preventing a person from attending court as a witness is a Class C felony (was Class H).

Effective December 1, 2010 and applies to offenses committed on or after that date.

Intro. by McKissick.

GS 8C, 14, APPROP