

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 42
PROPOSED COMMITTEE SUBSTITUTE S42-PCS55173-RK-26

Short Title: Lay Testimony/Child Witness Remote Testimony.

(Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A COURT MAY RELY SOLELY ON LAY TESTIMONY
WHEN MAKING A DETERMINATION THAT A CHILD WITNESS IN A CRIMINAL
CASE WOULD SUFFER SERIOUS EMOTIONAL DISTRESS AND THE CHILD'S
ABILITY TO COMMUNICATE WITH THE TRIER OF FACT WOULD BE IMPAIRED
BY TESTIFYING IN THE DEFENDANT'S PRESENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1225.1 is amended by adding a new subsection to read:

"(b1) At the evidentiary hearing pursuant to subsection (c) of this section, the court shall not require that expert testimony be presented by either the State or the defendant, and may make its determination based solely upon lay testimony whether or not expert testimony is presented."

SECTION 2. This act becomes effective October 1, 2011, and applies to criminal proceedings pending on or after that date. Nothing in this act is intended to amend or alter the evidentiary rules applicable to proceedings occurring prior to the effective date of this act.



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