

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH40321-LH-154 (03/26)

Short Title: JPS Study/Crim Rules of Discovery.

(Public)

Sponsors: Representative McNeill.

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY TO STUDY THE DISCOVERY RULES IN FELONY CRIMINAL CASES AND OTHER MATTERS IN ORDER TO PROTECT VICTIMS AND WITNESSES AND TO ENABLE CRIMINAL DEFENDANTS TO PROVIDE SUBSTANTIAL ASSISTANCE TO LAW ENFORCEMENT.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Oversight Committee on Justice and Public Safety shall study certain issues in criminal law specified in Section 2 of this act and how those matters may be addressed.

SECTION 2. In conducting the study, the Committee shall consider all of the following:

- (1) The State's current laws, rules, or policies relating to discovery in criminal matters and how they compare to the laws, rules, or policies relating to discovery in federal criminal cases.
- (2) Whether the State's current criminal discovery laws, rules, or policies, and particularly the disclosure requirements, should be revised in order to protect victims and potential witnesses from intimidation and to ensure their safety prior to the trial of a defendant.
- (3) What authority the State has to enact laws or adopt rules regarding the ability of law enforcement officers to communicate with criminal defendants in order to determine whether they have information that would be helpful in criminal matters so as not to conflict with federal or State constitutional provisions and laws.
- (4) Whether (i) a State prosecutor should be authorized to move the sentencing court to reduce or suspend the sentence or otherwise offer any incentives to any inmate of a county jail or State prison who provides substantial assistance to law enforcement by providing information or intelligence in the investigation and prosecution of specified suspected criminal activity and (ii) the court should be authorized to reduce a sentence so as to reflect the person's substantial assistance and, if so, what are the recommended definitions, guidelines, requirements, and procedures relating to a substantial assistance determination.
- (5) Whether (i) a court should have the ability to modify the sentence of a probationer or parolee or (ii) a parole or probation officer should have the discretion to refrain from requesting a parole or probation violation in



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1 exchange for the parolee or probationer's substantial assistance in the
2 investigation or prosecution of other criminal matters and, if so, what are the
3 recommended definitions, guidelines, requirements, and procedures relating
4 to a substantial assistance determination.

5 (6) Whether law enforcement officers or agencies should be required under the
6 rules of criminal discovery to provide the State with the names or other
7 specific identifying information of confidential criminal informants for
8 inclusion on bills of indictment.

9 (7) Any other related issues the Committee deems appropriate.

10 **SECTION 3.** The Joint Legislative Oversight Committee on Justice and Public
11 Safety shall submit a final report of its findings and recommendations to the 2015 General
12 Assembly, prior to the convening of the 2016 short session, by filing the report with the
13 President Pro Tempore of the Senate and the Speaker of the House of Representatives.

14 **SECTION 4.** This act is effective when it becomes law.