

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40190-MV-76

Short Title: Photos of Juveniles/Show-Ups. (Public)

Sponsors: Representatives Stevens, Barnes, Hanig, and C. Smith (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE REQUIREMENT TO TAKE A PHOTOGRAPH OF A SUSPECT
3 AT THE TIME OF A SHOW-UP WHERE THE SUSPECT IS A JUVENILE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7B-2103 reads as rewritten:

6 "§ 7B-2103. Authority to issue nontestimonial identification order where juvenile alleged
7 to be delinquent.

8 Except as provided in ~~G.S. 7B-2102~~, G.S. 7B-2102 or G.S. 15A-284.52(c1), nontestimonial
9 identification procedures shall not be conducted on any juvenile without a court order issued
10 pursuant to this Article unless the juvenile has been charged as an adult or transferred to superior
11 court for trial as an adult in which case procedures applicable to adults, as set out in Articles 14
12 and 23 of Chapter 15A of the General Statutes, shall apply. A nontestimonial identification order
13 authorized by this Article may be issued by any judge of the district court or of the superior court
14 upon request of a prosecutor. As used in this Article, "nontestimonial identification" means
15 identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine
16 specimens, saliva samples, hair samples, or other reasonable physical examination, handwriting
17 exemplars, voice samples, photographs, and lineups or similar identification procedures requiring
18 the presence of a juvenile."

19 SECTION 2. G.S. 15A-284.52(c1) reads as rewritten:

20 "(c1) Show-Up Procedures. – A show-up conducted by State, county, and other local law
21 enforcement officers shall meet all of the following requirements:

22 (1) A show-up may only be conducted when a suspect matching the description
23 of the perpetrator is located in close proximity in time and place to the crime,
24 or there is reasonable belief that the perpetrator has changed his or her
25 appearance in close time to the crime, and only if there are circumstances that
26 require the immediate display of a suspect to an eyewitness.

27 (2) A show-up shall only be performed using a live suspect and shall not be
28 conducted with a photograph.

29 (3) Investigators shall photograph a suspect at the time and place of the show-up
30 to preserve a record of the appearance of the suspect at the time of the show-up
31 procedure.

32 (4) Notwithstanding G.S. 7B-2103, an investigator shall photograph a juvenile
33 suspect who is 10 years of age or older at the time and place of the show-up
34 as required by this subsection if the juvenile is reported to have committed a
35 nondivertible offense as set forth in G.S. 7B-1701. Photographs of juveniles
36 shall be retained or disposed of as required by G.S. 7B-2108, except that the



1 law enforcement agency is required to make written certification to the court
2 of the destruction of records under G.S. 7B-2108(6) only if a petition was
3 filed. Photographs taken pursuant to this subdivision are not public records
4 under Chapter 132 of the General Statutes and the photographs shall be (i)
5 kept separate from the records of adults, (ii) withheld from public inspection,
6 and (iii) examined only by order of the court, except that the following persons
7 may examine it without an order of the court:

- 8 a. The juvenile or the juvenile's attorney.
- 9 b. The juvenile's parent or guardian.
- 10 c. The prosecutor.
- 11 d. Court counselors."

12 **SECTION 3.** This act is effective when it becomes law.