

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

S

D

SENATE BILL 682  
Judiciary Committee Substitute Adopted 7/2/19  
Third Edition Engrossed 7/9/19  
House Committee Substitute Favorable 7/25/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S682-PCS15409-TT-45

Short Title: Implement Crime Victim Rights Amendment.

(Public)

Sponsors:

Referred to:

June 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT TO PROVIDE  
3 BETTER PROTECTIONS AND SAFEGUARDS TO VICTIMS OF CRIME.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. VICTIMS OF CRIME**

7 **SECTION 1.(a)** G.S. 15A-824 reads as rewritten:

8 **"§ 15A-824. Definitions.**

9 ~~As used in this Article, unless the context clearly requires otherwise:~~The following  
10 definitions apply in this Article:

- 11 (1) ~~"Crime" means a Crime.~~ – A felony or serious misdemeanor as determined in  
12 the sole discretion of the district attorney, except those included in Article 46  
13 of this Chapter, or any act committed by a juvenile that, if committed by a  
14 competent adult, would constitute a felony or serious misdemeanor. an act by  
15 a juvenile as provided in Article 20A of Chapter 7B of the General Statutes.  
16 (2) ~~"Family member" means a Family member.~~ – A spouse, child, parent or legal  
17 guardian, or the closest living relative. parent, guardian, legal custodian,  
18 sibling, or grandparent of the victim. The term does not include the accused.  
19 (3) ~~"Victim" means a Victim.~~ – A person against whom there is probable cause to  
20 believe a crime has been committed.  
21 (4) ~~"Witness" means a Witness.~~ – A person who has been or is expected to be  
22 summoned to testify for the prosecution in a criminal action concerning a  
23 felony, or who by reason of having relevant information is subject to being  
24 called or is likely to be called as a witness for the prosecution in such an action,  
25 whether or not an action or proceeding has been commenced."

26 **SECTION 1.(b)** G.S. 15A-825 reads as rewritten:

27 **"§ 15A-825. Treatment due victims and witnesses.**

28 (a) To the extent reasonably possible and subject to available resources, the employees  
29 of ~~law enforcement~~ law enforcement agencies, the prosecutorial system, the judicial system, and  
30 the correctional system should make a reasonable effort to assure that each victim and witness  
31 within their jurisdiction:



\* S 6 8 2 - P C S 1 5 4 0 9 - T T - 4 5 \*

- 1 (1) Is provided information regarding immediate medical assistance when needed  
2 and is not detained for an unreasonable length of time before having such  
3 assistance administered.
- 4 (2) Is provided information about available protection from harm and threats of  
5 harm arising out of cooperation with ~~law enforcement~~ law enforcement and  
6 prosecution efforts, and receives such protection.
- 7 (2a) Is provided information that testimony as to one's home address is not relevant  
8 in every case, and that the victim or witness may request the district attorney  
9 to ~~raise an objection should he/she deem it appropriate to this line of~~  
10 questioning in the case at hand. ~~object to that line of questioning when~~  
11 appropriate.
- 12 (3) Has any stolen or other personal property expeditiously returned by  
13 ~~law enforcement~~ law enforcement agencies when it is no longer needed as  
14 evidence, and ~~its~~ the property's return would not impede an investigation or  
15 prosecution of the case. When feasible, all such property, except weapons,  
16 currency, contraband, property subject to evidentiary analysis, and property  
17 whose ownership is disputed, should be photographed and returned to the  
18 owner within a reasonable period of time of being recovered by  
19 ~~law enforcement~~ law enforcement officials.
- 20 (4) Is provided appropriate employer intercession services to seek the employer's  
21 cooperation with the criminal justice system and minimize the employee's loss  
22 of pay and other benefits resulting from such cooperation whenever possible.
- 23 (5) Is provided, whenever practical, a secure waiting area during court  
24 proceedings that does not place the victim or witness in close proximity to  
25 defendants and families or friends of defendants.
- 26 (6) Is informed of the procedures to be followed to apply for and receive any  
27 appropriate witness fees or victim compensation.
- 28 (6a) Is informed of the right to be present throughout the entire trial of the  
29 defendant, subject to the right of the court to sequester witnesses.
- 30 (7) Is given the opportunity to be present during the final disposition of the case  
31 or is informed of the final disposition of the case, if ~~he~~ the victim or witness  
32 has requested to be present or be informed.
- 33 (8) Is notified, whenever possible, that a court proceeding to which ~~he~~ the victim  
34 or witness has been subpoenaed will not occur as scheduled.
- 35 (9) ~~Has a~~ Is given the opportunity to prepare a victim impact statement ~~prepared~~  
36 for consideration by the court.
- 37 (9a) Prior to trial, is provided information about plea bargaining procedures and is  
38 ~~told~~ informed that the district attorney may recommend a plea bargain to the  
39 court.
- 40 (10) Is informed that civil remedies may be available and that statutes of limitation  
41 apply in civil cases.
- 42 (11) Upon the victim's written request, is notified before a proceeding is held at  
43 which the release of the offender from custody is considered, if the crime for  
44 which the offender was placed in custody is a Class G or more serious felony.
- 45 (12) Upon the victim's written request, is notified if the offender escapes from  
46 custody or is released from custody, if the crime for which the offender was  
47 placed in custody is a Class G or more serious felony.
- 48 (13) Has family members of a homicide victim offered all the guarantees in this  
49 section, except those in subdivision (1).

50 (b) Nothing in this section shall be construed to create a cause of action for failure to  
51 comply with ~~its requirements.~~ the requirements described in this section."

1           **SECTION 1.5.** G.S. 8-53.12 reads as rewritten:

2   "**§ 8-53.12. Communications with agents of rape crisis centers and domestic violence**  
3   **programs privileged.**

4       (a) Definitions. – The following definitions apply in this section:

5           (1) Agent. – An employee or agent of a center who has completed a minimum of  
6           20 hours of training as required by the center, or a volunteer, under the direct  
7           supervision of a center supervisor, who has completed a minimum of 20 hours  
8           of training as required by the center.

9           (2) Center. – A domestic violence program or rape crisis center.

10          (3) Domestic violence program. – A nonprofit organization or program whose  
11          primary purpose is to provide services to domestic violence victims.

12          (4) Domestic violence victim. – Any person alleging domestic violence as defined  
13          by G.S. 50B-1, who consults an agent of a domestic violence program for the  
14          purpose of obtaining, for himself or herself, advice, counseling, or other  
15          services concerning mental, emotional, or physical injuries suffered as a result  
16          of the domestic violence. The term shall also include those persons who have  
17          a significant relationship with a victim of domestic violence and who have  
18          sought, for themselves, advice, counseling, or other services concerning a  
19          mental, physical, or emotional condition caused or reasonably believed to be  
20          caused by the domestic violence against the victim.

21          (5) Rape crisis center. – Any publicly or privately funded agency, institution,  
22          organization, or facility that offers counseling and other services to victims of  
23          sexual assault and their families.

24          (6) Services. – Includes, but is not limited to, crisis hotlines; safe homes and  
25          shelters; assessment and intake; children of violence services; individual  
26          counseling; support in medical, administrative, and judicial systems;  
27          transportation, relocation, and crisis intervention. The term does not include  
28          investigation of physical or sexual assault of children under the age of 16.

29          (7) Sexual assault. – Any alleged violation of G.S. 14-27.21, 14-27.22, 14-27.24,  
30          14-27.25, 14-27.26, 14-27.27, 14-27.29, 14-27.30, 14-27.31, 14-27.32, or  
31          14-202.1, whether or not a civil or criminal action arises as a result of the  
32          alleged violation.

33          (8) Sexual assault victim. – Any person alleging sexual assault, who consults an  
34          agent of a rape crisis center for the purpose of obtaining, for themselves,  
35          advice, counseling, or other services concerning mental, physical, or  
36          emotional injuries suffered as a result of sexual assault. The term shall also  
37          include those persons who have a significant relationship with a victim of  
38          sexual assault and who have sought, for themselves, advice, counseling, or  
39          other services concerning a mental, physical, or emotional condition caused  
40          or reasonably believed to be caused by sexual assault of a victim.

41          (9) Victim. – A sexual assault victim or a domestic violence victim.

42       (b) Privileged Communications. – No agent of a center shall be required to disclose any  
43       information which the agent acquired during the provision of services to a victim and which  
44       information was necessary to enable the agent to render the services; provided, however, that this  
45       subsection shall not apply where the victim waives the privilege conferred. Any agent or center  
46       that receives a request for such information shall make every effort to inform the victim of the  
47       request and provide the victim a copy of the request if the request was in writing. Any resident  
48       or presiding judge in the district in which the action is pending shall compel disclosure, either at  
49       the trial or prior thereto, if the court finds, by a preponderance of the evidence, a good faith,  
50       specific and reasonable basis for believing that (i) the records or testimony sought contain  
51       information that is relevant and material to factual issues to be determined in a civil proceeding,

1 or is relevant, material, and exculpatory upon the issue of guilt, degree of guilt, or sentencing in  
2 a criminal proceeding for the offense charged or any lesser included offense, (ii) the evidence is  
3 not sought merely for character impeachment purposes, and (iii) the evidence sought is not  
4 merely cumulative of other evidence or information available or already obtained by the party  
5 seeking the disclosure or the party's counsel. If the case is in district court, the judge shall be a  
6 district court judge, and if the case is in superior court, the judge shall be a superior court judge.

7 The judge in any court proceeding subject to this section shall inquire as to whether the victim  
8 is present and wishes to be heard. If the victim is present and wishes to be heard, the court shall  
9 grant the victim an opportunity to be reasonably heard. The right to be reasonably heard may be  
10 exercised, at the victim's discretion, through an oral statement, submission of a written statement,  
11 or submission of an audio or video statement. Before requiring production of records, the court  
12 must find that the party seeking disclosure has made a sufficient showing that the records are  
13 likely to contain information subject to disclosure under this subsection. If the court finds a  
14 sufficient showing has been made, the court shall order that the records be produced for the court  
15 under seal, shall examine the records in camera, and may allow disclosure of those portions of  
16 the records which the court finds contain information subject to disclosure under this subsection.  
17 After all appeals in the action have been exhausted, any records received by the court under seal  
18 shall be returned to the center, unless otherwise ordered by the court. The privilege afforded  
19 under this subsection terminates upon the death of the victim.

20 (c) Duty in Case of Abuse or Neglect. – Nothing in this section shall be construed to  
21 relieve any person of any duty pertaining to abuse or neglect of a child or disabled adult as  
22 required by law."

23 **SECTION 2.** G.S. 15A-830 reads as rewritten:

24 **"§ 15A-830. Definitions.**

25 (a) The following definitions apply in this Article:

26 (1) Accused. – A person who has been arrested and charged with committing a  
27 crime covered by this Article.

28 (2) Arresting law enforcement agency. – The law enforcement agency that makes  
29 the arrest of an accused.

30 (2a) Court proceeding. – A critical stage of the post-arrest process heard by a judge  
31 in open court involving a plea that disposes of the case or the conviction,  
32 sentencing, or release of the accused, including the hearings described in  
33 G.S. 15A-837. The term does not include the preliminary proceedings  
34 described in Article 29 of Chapter 15A of the General Statutes. If it is known  
35 by law enforcement and the district attorney's office that (i) the defendant and  
36 the victim have a personal relationship as defined in G.S. 50B-1(b) and (ii) the  
37 hearing may result in the defendant's release, efforts will be made to contact  
38 the victim.

39 (3) Custodial agency. – The agency that has legal custody of an accused or  
40 defendant arising from a charge or conviction of a crime covered by this  
41 Article including, but not limited to, local jails or detention facilities, regional  
42 jails or detention facilities, facilities designated under G.S. 122C-252 for the  
43 custody and treatment of involuntary clients, or the Division of Adult  
44 Correction and Juvenile Justice of the Department of Public Safety.

45 (3a) Family member. – A spouse, child, parent, guardian, legal custodian, sibling,  
46 or grandparent of the victim. The term does not include the accused.

47 (3b) Felony property crime. – An act which constitutes a felony violation of one of  
48 the following:

49 a. Subchapter IV of Chapter 14 of the General Statutes.

50 b. Subchapter V of Chapter 14 of the General Statutes.

- 1 (4) Investigating law enforcement agency. – The law enforcement agency with  
 2 primary responsibility for investigating the crime committed against the  
 3 victim.
- 4 (5) Law enforcement agency. – An arresting law enforcement agency, a custodial  
 5 agency, or an investigating law enforcement agency.
- 6 ~~(6) Next of kin. – The victim's spouse, children, parents, siblings, or grandparents.  
 7 The term does not include the accused unless the charges are dismissed or the  
 8 person is found not guilty.~~
- 9 (6a) Offense against the person. – An offense against or involving the person of  
 10 the victim which constitutes a violation of one of the following:
- 11 a. Subchapter III of Chapter 14 of the General Statutes.  
 12 b. Subchapter VII of Chapter 14 of the General Statutes.  
 13 c. Article 39 of Chapter 14 of the General Statutes.  
 14 d. Chapter 20 of the General Statutes, if an element of the offense  
 15 involves impairment of the defendant, or injury or death to the victim.  
 16 e. A valid protective order under G.S. 50B-4.1, including, but not limited  
 17 to, G.S. 14-134.3 and G.S. 14-269.8.  
 18 f. Article 35 of Chapter 14 of the General Statutes, if the elements of the  
 19 offense involve communicating a threat or stalking.  
 20 g. An offense that triggers the enumerated victims' rights, as required by  
 21 the North Carolina Constitution.
- 22 (7) Victim. – A person against whom there is probable cause to believe ~~one of the  
 23 following crimes was committed:~~
- 24 a. ~~A Class A, B1, B2, C, D, or E felony.~~  
 25 b. ~~A Class F felony if it is a violation of one of the following:  
 26 G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);  
 27 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.3; 14-43.11;  
 28 14-202.1; 14-277.3A; 14-288.9; 20-138.5; former G.S. 14-190.19; or  
 29 former G.S. 14-277.3.~~
- 30 e. ~~A Class G felony if it is a violation of one of the following:  
 31 G.S. 14-32.3(b); 14-51; 14-58; or 14-87.1.~~
- 32 d. ~~A Class H felony if it is a violation of one of the following:  
 33 G.S. 14-32.3(a); 14-33.2; 14-34.6(b); 14-190.17A; 14-277.3A; former  
 34 G.S. 14-32.3(c); or former G.S. 14-277.3.~~
- 35 e. ~~A Class I felony if it is a violation of G.S. 14-32.3(b).~~
- 36 f. ~~An attempt of any of the felonies listed in this subdivision if the  
 37 attempted felony is punishable as a felony.~~
- 38 g. ~~Any of the following misdemeanor offenses when the offense is  
 39 committed between persons who have a personal relationship as  
 40 defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a);  
 41 14-34; 14-134.3; 14-277.3A; or former G.S. 14-277.3.~~
- 42 h. Any violation of a valid protective order under G.S. 50B-4.1, an  
 43 offense against the person or a felony property crime has been  
 44 committed.
- 45 (b) ~~If the victim is deceased, then the next of kin, in the order set forth in the definition  
 46 contained in this section, is entitled to the victim's rights under this Article. However, the right  
 47 contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's  
 48 estate. If the victim is a minor or is legally incapacitated, a parent, guardian, or legal custodian  
 49 may assert the victim's rights under this Article. The accused may not assert the victim's rights.  
 50 If the victim is deceased, then a family member, in the order set forth in the definition contained  
 51 in this section, may assert the victim's rights under this Article, with the following limitations:~~

- 1           (1) The guardian or legal custodian of a deceased minor has priority over a family  
2 member.  
3           (2) The right contained in G.S. 15A-834 may only be exercised by the personal  
4 representative of the victim's estate.

5           (c) ~~An individual entitled to exercise the victim's rights as a member of the class of next~~  
6 ~~of kin the appropriate family member in accordance with this section may designate anyone in~~  
7 ~~the class to act on behalf of the class.~~any family member to act on behalf of the victim.

8           (d) An individual who, in the determination of the district attorney, would not act in the  
9 best interests of the victim shall not be entitled to assert or exercise the victim's rights. An  
10 individual may petition the court to review this determination by the district attorney."

11           **SECTION 3.** Article 46 of Chapter 15A of the General Statutes is amended by  
12 adding a new section to read:

13 **"§ 15A-830.5. Victim's rights.**

14           (a) A victim of crime shall be treated with dignity and respect by the criminal justice  
15 system.

16           (b) A victim has the following rights:

- 17           (1) The right, upon request, to reasonable, accurate, and timely notice of court  
18 proceedings of the accused.  
19           (2) The right, upon request, to be present at court proceedings of the accused.  
20           (3) The right to be reasonably heard at court proceedings involving a plea that  
21 disposes of the case or the conviction, sentencing, or release of the accused.  
22           (4) The right to receive restitution in a reasonably timely manner, when ordered  
23 by the court.  
24           (5) The right to be given information about the crime, how the criminal justice  
25 system works, the rights of victims, and the availability of services for victims.  
26           (6) The right, upon request, to receive information about the conviction or final  
27 disposition and sentence of the accused.  
28           (7) The right, upon request, to receive notification of escape, release, proposed  
29 parole or pardon of the accused, or notice of a reprieve or commutation of the  
30 accused's sentence.  
31           (8) The right to present the victim's views and concerns in writing to the Governor  
32 or agency considering any action that could result in the release of the accused,  
33 prior to such action becoming effective.  
34           (9) The right to reasonably confer with the district attorney's office.

35           (c) This Article does not create a claim for damages against the State, any county or  
36 municipality, or any State or county agencies, instrumentalities, officers, or employees."

37           **SECTION 4.** G.S. 15A-831 reads as rewritten:

38 **"§ 15A-831. Responsibilities of law enforcement agency.**

39           (a) As soon as practicable but within 72 hours after identifying a victim covered by this  
40 Article, the investigating law enforcement agency shall provide the victim with at least the  
41 following information:~~information~~ in writing, on a form created by the Conference of District  
42 Attorneys:

- 43           (1) The availability of medical services, if needed.  
44           (2) The availability of crime victims' compensation funds under Chapter 15B of  
45 the General Statutes and the address and telephone number of the agency  
46 responsible for dispensing the funds.  
47           (3) The address and telephone number of the district attorney's office that will be  
48 responsible for prosecuting the victim's case.  
49           (4) The name and telephone number of an investigating law enforcement agency  
50 employee whom the victim may contact if the victim has not been notified of

1 an arrest in the victim's case within six months after the crime was reported to  
2 the law enforcement agency.

3 (5) Information about an accused's opportunity for pretrial release.

4 (6) The name and telephone number of an investigating law enforcement agency  
5 employee whom the victim may contact to find out whether the accused has  
6 been released from custody.

7 (7) The informational sheet described in G.S. 50B-3(c1), if there was a personal  
8 relationship, as defined in G.S. 50B-1(b), with the accused.

9 (8) A list of each right enumerated under G.S. 15A-830.5(b).

10 (9) Information about any other rights afforded to victims by law.

11 (b) ~~As soon as practicable but within~~ Within 72 hours after the arrest of a person believed  
12 to have committed a crime covered by this Article, the arresting law enforcement agency shall  
13 inform the investigating law enforcement agency of the arrest. ~~As soon as practicable but within~~  
14 ~~72 hours of being notified of the arrest.~~ Following receipt of this information, the investigating  
15 law enforcement agency shall notify the victim of the ~~arrest.~~ arrest within an additional 72 hours.

16 (c) ~~As soon as practicable but within~~ Within 72 hours after receiving notification from  
17 the arresting law enforcement agency that the accused has been arrested, the investigating law  
18 enforcement agency shall also forward to the district attorney's office that will be responsible for  
19 prosecuting the case the defendant's name and the victim's name, address, ~~date of birth, social~~  
20 ~~security number, race, sex, and telephone number,~~ number or other contact information, unless  
21 the victim refuses to disclose any or all of the information, in which case, the investigating law  
22 enforcement agency shall so inform the district attorney's office.

23 (d) Upon receiving the information in subsection (a) of this section, the victim shall, on  
24 a form created by the Conference of District Attorneys and provided by the investigating law  
25 enforcement agency, indicate whether the victim wishes to receive any further notices from the  
26 investigating law enforcement agency on the status of the accused during the pretrial process. If  
27 the victim elects to receive further notices during the pretrial process, the victim shall return the  
28 form to the investigating law enforcement agency within 10 business days of receipt of the form.  
29 The victim shall be responsible for notifying the investigating law enforcement agency of any  
30 changes in the victim's name, address, and telephone number.

31 (e) Upon receiving a form from the victim pursuant to subsection (d) of this section, the  
32 investigating law enforcement agency shall promptly share the form with the district attorney's  
33 office to facilitate compliance with the victim's preferences on notification."

34 **SECTION 5.** G.S. 15A-832 reads as rewritten:

35 "**§ 15A-832. Responsibilities of the district attorney's office.**

36 (a) Within 21 days after the arrest of the accused, but not less than 24 hours before the  
37 accused's first scheduled probable-cause hearing, the district attorney's office shall provide to the  
38 victim a pamphlet or other written material that explains in a clear and concise manner the  
39 following:

40 (1) The victim's rights under this Article, including the right to reasonably confer  
41 with the ~~attorney prosecuting the case~~ district attorney's office about the  
42 disposition of the case and the right to provide a victim impact statement.

43 (2) The responsibilities of the district attorney's office under this Article.

44 (3) The victim's eligibility for compensation under the Crime Victims  
45 Compensation Act and the deadlines by which the victim must file a claim for  
46 compensation.

47 (4) The steps generally taken by the district attorney's office when prosecuting a  
48 ~~felony case.~~ crime.

49 (5) Suggestions on what the victim should do if threatened or intimidated by the  
50 accused or someone acting on the accused's behalf.

1 (6) The name and telephone number of a victim and witness assistant in the  
2 district attorney's office whom the victim may contact for further information.

3 (b) Upon receiving the information in subsection (a) of this section, the victim shall, on  
4 a form provided by the district attorney's office, indicate whether the victim wishes to receive  
5 notices of some, all, or none of the trial and posttrial proceedings involving the accused. If the  
6 victim elects to receive notices, the victim shall be responsible for notifying the district attorney's  
7 office or any other department or agency that has a responsibility under this Article of any  
8 changes in the victim's address and telephone ~~number, number or other contact information.~~ The  
9 victim may alter the request for notification at any time by notifying the district attorney's office  
10 and completing the form provided by the district attorney's office.

11 (c) The district attorney's office shall notify a victim of the date, time, and place of all  
12 ~~trial~~-court proceedings of the type that the victim has elected to receive notice. All notices  
13 required to be given by the district attorney's office shall be reasonable, accurate, and timely. The  
14 notices shall be given in a manner that is reasonably calculated to be received by the victim prior  
15 to the date of the court proceeding. The district attorney's office may provide the required  
16 notification electronically or by telephone, unless the victim requests otherwise. The notifications  
17 required by this section shall be documented by the district attorney's office.

18 (d) Whenever practical, the district attorney's office shall provide a secure waiting area  
19 during court proceedings that does not place the victim in close proximity to the defendant or the  
20 defendant's family.

21 (e) ~~When the victim is to be called as a witness in a court proceeding, the court shall~~  
22 ~~make every effort to permit the fullest attendance possible by the victim in the proceedings. This~~  
23 ~~subsection shall not be construed to interfere with the defendant's right to a fair trial.~~

24 (f) ~~Prior to the disposition of the case, the~~ The district attorney's office shall offer the  
25 victim the opportunity to ~~consult~~ reasonably confer with the ~~prosecuting attorney~~ an attorney  
26 from the district attorney's office to obtain the views of the victim ~~about the disposition of the~~  
27 ~~case, including the victim's views about~~ about, at a minimum, dismissal, plea or negotiations,  
28 sentencing, and any pretrial diversion programs.

29 (g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy  
30 of a form containing the identifying information set forth in G.S. 15A-831(c) about any victim's  
31 electing to receive further notices under this Article. The clerk of superior court shall include the  
32 form with the final judgment and commitment, or judgment suspending sentence, transmitted to  
33 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or other  
34 agency receiving custody of the defendant and shall be maintained by the custodial agency as a  
35 confidential file.

36 (h) When a person is a victim of a human trafficking offense and is entitled to benefits  
37 and services pursuant to G.S. 14-43.11(d), the district attorney's office shall so notify the Office  
38 of the Attorney General and Legal Aid of North Carolina, Inc., in addition to providing services  
39 under this Article.

40 (i) The district attorney's office shall make every effort to ensure that a victim's personal  
41 information is not disclosed unless otherwise required by law. The district attorney's office shall  
42 inform the victim that personal information such as the victim's telephone number, home address,  
43 and bank account number are not relevant in every case and that the victim may request the  
44 district attorney to object to that line of questioning when appropriate.

45 (j) The responsibilities of the district attorney's office extend to a victim of an act of  
46 delinquency if the juvenile's case is transferred to criminal court."

47 **SECTION 6.** G.S. 15A-832.1 reads as rewritten:

48 **"§ 15A-832.1. Responsibilities of judicial officials issuing arrest warrants.officials.**

49 (a) In issuing a ~~warrant for the arrest of an offender pleading as provided in~~  
50 G.S. 15A-921, for any of the misdemeanor offenses set forth in G.S. 15A-830(a)(7)g., offense  
51 against the person based on testimony or evidence from a complaining witness rather than from



1 a law enforcement officer, a judicial official shall record the defendant's name and the victim's  
2 name, address, and telephone number electronically or on a form separate from the ~~warrant~~  
3 pleading and developed by the Administrative Office of the Courts for the purpose of recording  
4 that information, unless the victim refuses to disclose any or all of the information, in which case  
5 the judicial official shall so indicate.

6 (b) ~~A judicial official issuing a warrant for the arrest of an offender pleading for any of~~  
7 ~~the misdemeanor offenses set forth in G.S. 15A-830(a)(7)g. offense against the person based on~~  
8 testimony or evidence from a complaining witness rather than from a law enforcement officer  
9 shall deliver the court's copy of the warrant and the victim-identifying information to the office  
10 of the clerk of superior court by the close of the next business day. ~~As soon as practicable, but~~  
11 ~~within~~ Within 72 hours, the office of the clerk of superior court shall forward to the district  
12 attorney's office the victim-identifying information set forth in subsection (a) of this section.

13 (c) The judge, in any court proceeding subject to this Article, shall inquire as to whether  
14 the victim is present and wishes to be heard. If the victim is present and wishes to be heard, the  
15 court shall grant the victim an opportunity to be reasonably heard. The right to be reasonably  
16 heard may be exercised, at the victim's discretion, through an oral statement, submission of a  
17 written statement, or submission of an audio or video statement.

18 (d) A judge notified by the clerk of court that a victim has filed a motion alleging a  
19 violation of the rights provided in this Article shall review the motion. The judge involved in the  
20 criminal proceeding that gave rise to the rights in question may, on the judge's own motion,  
21 recuse himself or herself if justice requires it and report the recusal to the Administrative Office  
22 of the Courts. The judge, or a judge appointed by the Administrative Office of the Courts in the  
23 event of recusal, shall dispose of the motion or set the motion for hearing as required by  
24 G.S. 15A-834.5.

25 (e) The court shall make every effort to provide a secure waiting area during court  
26 proceedings that does not place the victim in close proximity to the defendant or the defendant's  
27 family."

28 **SECTION 7.** Article 46 of Chapter 15A of the General Statutes is amended by  
29 adding a new section to read:

30 **"§ 15A-834.5. Enforcement of the rights of a victim.**

31 (a) A victim may assert the rights provided in this Article pursuant to Section 37 of  
32 Article I of the North Carolina Constitution. In no event shall any underlying proceeding be  
33 subject to undue delay for the enforcement provided in this section. The procedure by which a  
34 victim may assert the rights provided under this Article shall be by motion to the court of  
35 jurisdiction. For the purposes of this section, the term "victim" includes the following individuals  
36 acting on behalf of the victim:

37 (1) The victim's attorney.

38 (2) The prosecutor, at the request of the victim.

39 (3) A parent, guardian, or legal custodian, if the victim is a minor or is legally  
40 incapacitated, as provided in G.S. 15A-830.

41 (4) A family member, if the victim is deceased, as provided in G.S. 15A-830.

42 (b) A victim may allege a violation of the rights provided in this Article by filing a motion  
43 with the office of the clerk of superior court. The motion must be filed within the same criminal  
44 proceeding giving rise to the rights in question.

45 (c) If the motion involves an allegation that the district attorney failed to comply with the  
46 rights of a victim provided by this Article, the victim must first file a written complaint with the  
47 district attorney's office, to afford the district attorney's office an opportunity to resolve the issue  
48 stated in the written complaint in a timely manner.

49 (c1) If the motion involves an allegation that a law enforcement agency failed to comply  
50 with the rights of a victim provided by this Article, the victim must first file a written complaint

1 with that agency, to afford the agency an opportunity to resolve the issue stated in the written  
2 complaint in a timely manner.

3 (d) A victim has the right to consult with an attorney regarding an alleged violation of the  
4 rights provided in this Article, but the victim does not have the right to counsel provided by the  
5 State.

6 (e) The Administrative Office of the Courts shall create a form to serve as the motion and  
7 enable a victim to allege a violation of the rights provided in this Article. The form will indicate  
8 what specific right has allegedly been violated. The form will also provide the victim the  
9 opportunity to describe the substance of the alleged violation in detail. If the motion involves an  
10 allegation that the district attorney failed to comply with the rights of a victim provided in this  
11 Article, the victim must attach a copy of the written complaint that was previously filed with the  
12 district attorney as required by subsection (c) of this section. If the motion involves an allegation  
13 that a law enforcement agency failed to comply with the rights of a victim provided in this Article,  
14 the victim must attach a copy of the written complaint that was previously filed with that law  
15 enforcement agency as required by subsection (c1) of this section.

16 (f) The clerk of superior court of each county shall provide the form created by the  
17 Administrative Office of the Courts to enable a victim to allege a violation of the rights provided  
18 in this Article. No fees shall be assessed for the filing of this motion. A copy of the motion  
19 required in subsection (b) of this section shall be given to the prosecutor if other than the elected  
20 District Attorney, the elected District Attorney, and the judge involved in the criminal proceeding  
21 that gave rise to the rights in question. If the motion involves an allegation that a law enforcement  
22 agency failed to comply with the rights of a victim provided by this Article, a copy of the motion  
23 required in subsection (b) of this section shall also be provided to the head of the law enforcement  
24 agency referenced in the motion.

25 (g) The judge shall review the motion and dispose of it or set it for hearing in a timely  
26 manner. Review may include conferring with the victim, the prosecutor if other than the District  
27 Attorney, and the District Attorney in order to inquire as to compliance with this Article. If the  
28 motion involves an allegation that a law enforcement agency failed to comply with the rights of  
29 a victim provided by this Article, the judge may confer with the head of that law enforcement  
30 agency as part of the review. At the conclusion of the review, the judge shall dispose of the  
31 motion or set the motion for hearing.

32 (h) If the judge fails to review the motion and dispose of it or set it for hearing in a timely  
33 manner, a victim may petition the North Carolina Court of Appeals for a writ of mandamus. The  
34 petition shall be filed without unreasonable delay. The court for good cause shown may shorten  
35 the time for filing a response.

36 (i) The failure or inability of any person to provide a right or service under this Article,  
37 including a service provided through the Statewide Automated Victim Assistance and  
38 Notification System established by the Governor's Crime Commission, may not be used by a  
39 defendant in a criminal case, by an inmate, by any other accused, or by any victim or any family  
40 member of a victim, as a ground for relief in any criminal or civil proceeding, except as provided  
41 in Section 37 of Article I of the North Carolina Constitution."

42 **SECTION 7.5.** G.S. 15A-835 reads as rewritten:

43 **"§ 15A-835. Posttrial responsibilities.**

44 (a) Within 30 days after the final trial-court proceeding in the case, the district attorney's  
45 office shall notify the victim, in writing, of:

- 46 (1) The final disposition of the case.
- 47 (2) The crimes of which the defendant was convicted.
- 48 (3) The defendant's right to appeal, if any.
- 49 (4) The telephone number of offices to contact in the event of nonpayment of  
50 restitution by the defendant.

1 (b) Upon a defendant's giving notice of appeal to the Court of Appeals or the Supreme  
2 Court, the district attorney's office shall forward to the Attorney General's office the defendant's  
3 name and the victim's name, address, and telephone number. Upon receipt of this information,  
4 and thereafter as the circumstances require, the Attorney General's office shall provide the victim  
5 with the following:

6 (1) A clear and concise explanation of how the appellate process works, including  
7 information about possible actions that may be taken by the appellate court.

8 (2) Notice of the date, time, and place of any appellate proceedings involving the  
9 defendant. Notice shall be given in a manner that is reasonably calculated to  
10 be received by the victim prior to the date of the proceedings.

11 (3) The final disposition of an appeal.

12 (b1) Although the victim does not have a right to be heard, the victim is permitted to be  
13 present at any appellate proceeding that is an open hearing.

14 (c) If the defendant has been released on bail pending the outcome of the appeal, the  
15 agency that has custody of the defendant shall notify the investigating law enforcement agency  
16 as soon as practicable, and within 72 hours of receipt of the notification the investigating law  
17 enforcement agency shall notify the victim that the defendant has been released.

18 (d) If the defendant's conviction is overturned, and the district attorney's office decides  
19 to retry the case or the case is remanded to superior court for a new trial, the victim shall be  
20 entitled to the same rights under this Article as if the first trial did not take place.

21 (e) Repealed by Session Laws 2001-302, s. 1."

22 **SECTION 8.** G.S. 15A-836 reads as rewritten:

23 **"§ 15A-836. Responsibilities of agency with custody of defendant.**

24 (a) When a form is included with the final judgment and commitment pursuant to  
25 G.S. 15A-832(g), or when the victim has otherwise filed a written request for notification with  
26 the custodial agency, the custodial agency shall notify the victim of:

27 (1) The projected date by which the defendant can be released from custody. The  
28 calculation of the release date shall be as exact as possible, including earned  
29 time and disciplinary credits if the sentence of imprisonment exceeds 90 days.

30 (2) An inmate's assignment to a minimum custody unit and the address of the unit.  
31 This notification shall include notice that the inmate's minimum custody status  
32 may lead to the inmate's participation in one or more community-based  
33 programs such as work release or supervised leaves in the community.

34 (3) The victim's right to submit any concerns to the agency with custody and the  
35 procedure for submitting such concerns.

36 (4) The defendant's escape from custody, within 72 hours, except that if a victim  
37 has notified the agency in writing that the defendant has issued a specific  
38 threat against the victim, the agency shall notify the victim as soon as possible  
39 and within 24 hours at the latest.

40 (5) The defendant's capture, within 24 hours.

41 (6) The date the defendant is scheduled to be released from the facility. Whenever  
42 practical, notice shall be given 60 days before release. In no event shall notice  
43 be given less than seven days before release.

44 (7) The defendant's death.

45 (8) The procedure for alleging a failure of the custodial agency to notify the victim  
46 as required by this section.

47 (b) Notifications required in this section shall be provided within 60 days of the date the  
48 custodial agency takes custody of the defendant or within 60 days of the event requiring  
49 notification, or as otherwise specified in subsection (a) of this section."

50 **SECTION 9.** G.S. 15A-840 and G.S. 15A-841 are repealed.  
51

**PART II. VICTIMS OF DELINQUENT ACTS**

**SECTION 10.** Subchapter II of Chapter 7B of the General Statutes is amended by adding a new Article to read:

"Article 20A.

"Rights of Victims of Delinquent Acts.

**"§ 7B-2051. Definitions.**

(a) The following definitions apply in this Article:

(1) Court proceeding. – Any open hearing authorized or required by this Subchapter and any closed hearing or portion of a closed hearing in which the victim, in accordance with G.S. 7B-2402, is permitted to be present. The term shall not include the first appearance described in G.S. 7B-1808 if the juvenile is in secure or nonsecure custody. If it is known by the juvenile court counselor and the district attorney's office that (i) the juvenile and the victim have a personal relationship as defined in G.S. 50B-1(b) and (ii) the hearing may result in the juvenile's release from custody, efforts will be made to contact the victim.

(2) Family member. – A spouse, child, parent, guardian, legal custodian, sibling, or grandparent of the victim. The term does not include the accused.

(3) Felony property offense. – An offense that, if committed by an adult, would constitute a felony violation of one of the following:

a. Subchapter IV of Chapter 14 of the General Statutes.

b. Subchapter V of Chapter 14 of the General Statutes.

(4) Offense against the person. – An offense against or involving the person of the victim that, if committed by an adult, would constitute a violation of one of the following:

a. Subchapter III of Chapter 14 of the General Statutes.

b. Subchapter VII of Chapter 14 of the General Statutes.

c. Article 39 of Chapter 14 of the General Statutes.

d. Chapter 20 of the General Statutes, if an element of the act of delinquency involves impairment of the defendant, or injury or death to the victim.

e. A valid protective order under G.S. 50B-4.1, including, but not limited to, G.S. 14-134.3 and G.S. 14-269.8.

f. Article 35 of Chapter 14 of the General Statutes, if the elements of the act of delinquency involve communicating a threat or stalking.

g. An offense that triggers the enumerated victims' rights, as required by the North Carolina Constitution.

(5) Victim. – A person against whom there is probable cause to believe a juvenile has committed an offense against the person or a felony property offense.

(b) If the victim is a minor or is legally incapacitated, a parent, guardian, or legal custodian may assert the victim's rights under this Article. The accused may not assert the victim's right. If the victim is deceased, then a family member, in the order set forth in the definition contained in this section, may assert the victim's rights under this Article, with the following limitations:

(1) The guardian or legal custodian of a deceased minor has priority over a family member.

(2) The right contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's estate.

(c) An individual entitled to exercise the victim's rights as the appropriate family member in accordance with this section may designate any family member to act on behalf of the victim.

1       (d) An individual who, in the determination of the district attorney's office, would not act  
2 in the best interests of the victim shall not be entitled to assert or exercise the victim's rights. An  
3 individual may petition the court to review this determination by the district attorney's office.

4 **"§ 7B-2052. Victim's rights.**

5       (a) A victim of a juvenile offense shall be treated with dignity and respect by the juvenile  
6 justice system.

7       (b) A victim has the following rights:

8           (1) The right, upon request, to reasonable, accurate, and timely notice of court  
9 proceedings of the juvenile.

10          (2) The right, upon request, to be present at court proceedings of the juvenile.

11          (3) The right to be reasonably heard at court proceedings involving the  
12 adjudication, disposition, or release of the juvenile.

13          (4) The right to receive restitution in a reasonably timely manner, when ordered  
14 by the court.

15          (5) The right to be given information about the offense, how the juvenile justice  
16 system works, the rights of victims, and the availability of services for victims.

17          (6) The right, upon request, to receive information about the adjudication of the  
18 juvenile or disposition of the case.

19          (7) The right, upon request, to receive notification of the escape or release of the  
20 juvenile.

21          (8) The right to reasonably confer with the district attorney's office.

22       (c) This Article does not create a claim for damages against the State, any county or  
23 municipality, or any State or county agencies, instrumentalities, officers, or employees.

24 **"§ 7B-2053. Responsibilities of the district attorney's office.**

25       (a) Within 72 hours of the filing of a petition, the district attorney's office shall provide  
26 the victim with the following information:

27           (1) The victim's rights under this Article, including the right to reasonably confer  
28 with the district attorney's office.

29           (2) The responsibilities of the district attorney's office under this Article.

30           (3) The steps generally taken by the district attorney's office in cases involving  
31 juvenile offenses.

32           (4) Suggestions on what the victim should do if threatened or intimidated by the  
33 juvenile or someone acting on the juvenile's behalf.

34           (5) The name and telephone number of a victim and witness assistant in the  
35 district attorney's office whom the victim may contact for further information.

36           (6) A list of each right enumerated under G.S. 7B-2052(b).

37           (7) Information about any other rights afforded to victims by law.

38       (b) On a form provided by the district attorney's office for this purpose, the victim shall  
39 indicate whether the victim requests to receive notices of some, all, or none of the court  
40 proceedings included under this Article. The form shall also indicate whether the victim wishes  
41 to receive information about the adjudication and disposition of the case. If the victim elects to  
42 receive notices or information by requesting it on the form provided, the victim shall be  
43 responsible for notifying the district attorney's office of any changes in the victim's address and  
44 telephone number or other contact information. The victim may alter the request for notification  
45 or information at any time by notifying the district attorney's office and completing the form  
46 provided by the district attorney's office.

47       (b1) The district attorney's office shall make every effort to ensure that a victim's personal  
48 information is not disclosed unless otherwise required by law. The district attorney's office shall  
49 inform the victim that personal information such as the victim's telephone number, home address,  
50 and bank account number are not relevant in every case, and that the victim may request the  
51 district attorney to object to that line of questioning when appropriate.

1       (c) The district attorney's office shall offer the victim the opportunity to reasonably  
2 confer with an attorney in the district attorney's office to obtain the views of the victim about, at  
3 a minimum, dismissal, plea or negotiations, disposition, and any dispositional alternatives.

4       (d) Notwithstanding Articles 30 and 31 of Subchapter III of this Chapter, the district  
5 attorney's office shall notify the victim of the date, time, and place of court proceedings as  
6 requested by the victim under subsection (b) of this section. All notices required to be given by  
7 the district attorney's office shall be reasonable, accurate, and timely and shall be given in a  
8 manner that is reasonably calculated to be received by the victim prior to the date of the court  
9 proceeding. The district attorney's office shall consider all hearings open, pursuant to  
10 G.S. 7B-2402, for the purpose of providing notice to the victim. The district attorney shall inform  
11 the victim if the entire hearing has been closed to the victim by the court. The district attorney's  
12 office may provide the required notification electronically or by telephone, unless the victim  
13 requests otherwise. The notifications required by this section shall be documented by the district  
14 attorney's office.

15       (e) Whenever practical, the district attorney's office shall provide a secure waiting area  
16 during court proceedings that does not place the victim in close proximity to the juvenile or the  
17 juvenile's family.

18       (f) Prior to the dispositional hearing, the district attorney's office shall notify the victim  
19 that the victim may request in writing to be notified (i) in advance of the juvenile's scheduled  
20 release date, if the juvenile is committed to the Division for placement in a youth development  
21 center or (ii) in the event that the juvenile escapes, if the juvenile is being held in secure custody  
22 or is committed to the Division for placement in a youth development center.

23       (g) At the dispositional hearing, the prosecutor shall submit to the court a form containing  
24 the victim's request for further notices under subsection (f) of this section and any necessary  
25 identifying information about the victim, if applicable. The chief court counselor shall include  
26 the form with the final disposition and commitment transmitted to the Division, and the form  
27 shall be maintained by the Division as a confidential file. The victim shall be responsible for  
28 notifying the Division of any changes in the victim's address and telephone number.

29       (h) Notwithstanding Articles 30 and 31 of Subchapter III of this Chapter, following the  
30 completion of the dispositional hearing, the district attorney's office shall provide the victim with  
31 information about the adjudication and disposition of the juvenile as requested by the victim  
32 pursuant to G.S. 7B-2053(b). The information provided shall be limited to (i) whether or not the  
33 juvenile was adjudicated delinquent, and if so, the offense classification, the dispositions  
34 available to the court as provided in G.S. 7B-2508, and (ii) no-contact orders as they relate to the  
35 victim, and (iii) any order for restitution.

36 **"§ 7B-2054. Responsibilities of judicial officials.**

37       (a) In any court proceeding subject to this Article in which the victim may be present, the  
38 court shall inquire as to whether a victim is present and wishes to be heard and, if so, shall grant  
39 the victim an opportunity to be reasonably heard. The right to be reasonably heard may be  
40 exercised, at the victim's discretion, through an oral statement, submission of a written statement,  
41 or submission of an audio or video statement.

42       (b) In the event that an entire hearing has been closed to the victim by the court, the victim  
43 shall have the opportunity to be heard by the court regarding the right to be present, if the court  
44 has not previously provided this opportunity to the victim.

45       (c) A judge notified by the clerk of court that a victim has filed a motion alleging a  
46 violation of the rights provided in this Article shall review the motion. The judge involved in the  
47 proceeding that gave rise to the rights in question may, on the judge's own motion, recuse himself  
48 or herself if justice requires it, and report the recusal to the Administrative Office of the Courts.  
49 The judge, or a judge appointed by the Administrative Office of the Courts in the event of recusal,  
50 shall dispose of the motion or set the motion for hearing as required by G.S. 7B-2058.

1        (d) The court shall make every effort to provide a secure waiting area during court  
2 proceedings that does not place the victim in close proximity to the juvenile or the juvenile's  
3 family.

4 **"§ 7B-2055. Responsibilities of the Division of Adult Correction and Juvenile Justice.**

5        (a) Notwithstanding Articles 30 and 31 of Subchapter III of this Chapter, if a victim has  
6 requested to be notified of the juvenile's release pursuant to G.S. 7B-2053, at least 45 days before  
7 releasing to post-release supervision a juvenile who was committed to the Division for placement  
8 in a youth development center, the Division shall notify the victim as requested. The notification  
9 shall include only the juvenile's initials, offense, date of commitment, projected release date, and  
10 any no-contact release conditions related to the victim.

11        (b) When determining whether a juvenile is ready for release pursuant to G.S. 7B-2514,  
12 the Division shall provide the victim an opportunity to be reasonably heard by the Division and  
13 shall consider the victim's views regarding release of the juvenile. If the Division determines that  
14 the juvenile is ready for release, the victim's views shall be considered during the post-release  
15 supervision planning conference process.

16        (c) Notwithstanding Articles 30 and 31 of Subchapter III of this Chapter, if a victim has  
17 requested in writing to be notified of the juvenile's escape pursuant to G.S. 7B-2053, within 24  
18 hours of the time the juvenile escapes from a youth development center or from secure custody,  
19 the Division shall notify the victim. If, pursuant to G.S. 7B-3102, disclosure of information about  
20 the escaped juvenile will be released to the public, the Division may provide to the victim the  
21 same information that will be released to the public, but the Division shall make a reasonable  
22 effort to notify the victim prior to releasing the information to the public. The Division shall  
23 notify the victim within 24 hours of the juvenile's return to custody, even if the juvenile is  
24 returned to custody before the notification of escape is required.

25        (d) When a form is included with the final disposition and commitment pursuant to  
26 G.S. 7B-2053(g), or when the victim has otherwise filed a written request for notification with  
27 the Division, the Division shall notify the victim of the procedure for alleging a failure of the  
28 Division to notify the victim as required by this section.

29 **"§ 7B-2056. Right to restitution.**

30        A victim has the right to receive restitution when ordered by the court pursuant to  
31 G.S. 7B-2506(4) and G.S. 7B-2506(22).

32 **"§ 7B-2057. Confidentiality of a juvenile record.**

33        No rights under this Article provide grounds for a victim to examine or obtain confidential  
34 juvenile records. In providing notice or information to any victim, no agency, department, or  
35 official shall permit a victim to examine or obtain copies of any part of the juvenile record. Except  
36 as provided in G.S. 7B-2055(c), any agency, department, or official that provides a victim written  
37 notice or information under this Article shall not identify the juvenile by name in the notice or  
38 information, but shall identify the juvenile by the juvenile's first and last initials only. This Article  
39 shall not be construed to require or permit disclosing to any victim any information contained in  
40 juvenile records except as specifically provided.

41 **"§ 7B-2058. Enforcement of rights.**

42        (a) A victim may assert the rights provided in this Article pursuant to Section 37 of  
43 Article I of the North Carolina Constitution. In no event shall any underlying proceeding be  
44 subject to undue delay for the enforcement provided in this section. The procedure by which a  
45 victim may assert the rights provided under this Article shall be by motion to the court of  
46 jurisdiction. For the purposes of this section, the term "victim" includes the following individuals  
47 acting on behalf of the victim:

48            (1) The victim's attorney.

49            (2) The prosecutor, at the request of the victim.

50            (3) A parent, guardian, or legal custodian, if the victim is a minor or is legally  
51 incapacitated, as provided in G.S. 7B-2051.

1           (4)    A family member, if the victim is deceased, as provided in G.S. 7B-2051.

2           (b)    A victim may allege a violation of the rights provided in this Article by filing a motion  
3 with the office of the clerk of superior court. The motion must be filed within the same proceeding  
4 giving rise to the rights in question.

5           (c)    If the motion involves an allegation that the district attorney failed to comply with the  
6 rights of a victim provided by this Article, the victim must first file a written complaint with the  
7 district attorney, to afford the district attorney an opportunity to resolve the issue stated in the  
8 written complaint in a timely manner.

9           (d)    A victim has the right to consult with an attorney regarding an alleged violation of the  
10 rights provided in this Article, but the victim does not have the right to counsel provided by the  
11 State.

12           (e)    The Administrative Office of the Courts shall create a form to serve as the motion to  
13 enable a victim to allege a violation of the rights provided in this Article. The form will indicate  
14 what specific right has allegedly been violated. The form will also provide the victim the  
15 opportunity to describe the substance of the alleged violation in detail. If the motion involves an  
16 allegation that the district attorney failed to comply with the rights of a victim provided in this  
17 Article, the victim must attach a copy of the written complaint previously filed with the district  
18 attorney as required by subsection (c) of the section.

19           (f)    The clerk of superior court of each county shall provide the form necessary to enable  
20 a victim to allege a violation of the rights provided in this Article. No fees shall be assessed for  
21 the filing of this motion. A copy of the motion required in subsection (b) of this section shall be  
22 given to the prosecutor if other than the elected District Attorney, the elected District Attorney,  
23 and the judge involved in the criminal proceeding that gave rise to the rights in question.

24           (g)    The judge shall review the motion and dispose of it or set it for hearing in a timely  
25 manner. Review may include conferring with the victim, the prosecutor if other than the District  
26 Attorney, and the District Attorney, in order to inquire as to compliance with this Article. At the  
27 conclusion of the review, the judge shall dispose of the motion or set the motion for hearing.

28           (h)    If the judge fails to review the motion and dispose of it or set it for a hearing in a  
29 timely manner, a victim may petition the North Carolina Court of Appeals for a writ of  
30 mandamus. The petition shall be filed without unreasonable delay. The court for good cause  
31 shown may shorten the time for filing a response.

32           (i)    The failure or inability of any person to provide a right or service under this Article,  
33 including a service provided through the Statewide Automated Victim Assistance and  
34 Notification System established by the Governor's Crime Commission, may not be used by a  
35 juvenile, by any other accused, or by any victim or family member of a victim, as a ground for  
36 relief in any criminal, juvenile, or other civil proceeding, except as provided in Section 37 of  
37 Article I of the North Carolina Constitution."

38           **SECTION 11.** G.S. 7B-2514(d) reads as rewritten:

39           "(d)    Notwithstanding Articles 30 and 31 of Subchapter III of this Chapter, and in addition  
40 to any notice to the victim required pursuant to G.S. 7B-2055, at least 45 days before releasing  
41 to post-release supervision a juvenile who was committed for a Class A or B1 felony, the Division  
42 shall ~~notify~~, notify by first-class mail at the last known ~~address~~:address all of the following:

43           (1)    The ~~juvenile~~;juvenile.

44           (2)    The juvenile's parent, guardian, or ~~eustodian~~;custodian.

45           (3)    The district attorney of the district where the juvenile was  
46 ~~adjudicated~~;adjudicated.

47           (4)    The head of the enforcement agency that took the juvenile into ~~eustody~~;  
48 ~~and~~custody.

49           (5)    The ~~victim and any of the victim's immediate family members who have~~  
50 ~~requested in writing to be notified.~~



1 The notification shall include only the juvenile's name, offense, date of commitment, and date  
2 proposed for release. A copy of the notice shall be sent to the appropriate clerk of superior court  
3 for placement in the juvenile's court file."

4 **SECTION 12.** G.S. 7B-3000(b) reads as rewritten:

5 "(b) All juvenile records shall be withheld from public inspection and, except as provided  
6 in this subsection, may be examined only by order of the court. Except as provided in subsection  
7 (c) of this section, the following persons may examine the juvenile's record and obtain copies of  
8 written parts of the record without an order of the court:

- 9 (1) The juvenile or the juvenile's attorney;
- 10 (2) The juvenile's parent, guardian, or custodian, or the authorized representative  
11 of the juvenile's parent, guardian, or custodian;
- 12 (3) The prosecutor;
- 13 (4) Court counselors; and
- 14 (5) Probation officers in the Section of Community Corrections of the Division  
15 of Adult Correction and Juvenile Justice of the Department of Public Safety,  
16 as provided in subsection (e1) of this section and in G.S. 15A-1341(e).

17 Except as provided in subsection (c) of this section, the prosecutor may, in the prosecutor's  
18 discretion, share information obtained from a juvenile's record with magistrates and law  
19 enforcement officers sworn in this State, but may not allow a magistrate or law enforcement  
20 officer to photocopy any part of the record. A prosecutor shall share information with a victim  
21 only as provided in Article 20A of this Chapter and shall not allow a victim to examine or  
22 photocopy any part of the record."

23 **SECTION 13.** G.S. 7B-3100(b) reads as rewritten:

24 "(b) Disclosure of information concerning any juvenile under investigation or alleged to  
25 be within the jurisdiction of the court that would reveal the identity of that juvenile is prohibited  
26 except that publication of pictures of runaways is permitted with the permission of the parents  
27 and except as provided in Article 20A of this Chapter and G.S. 7B-3102."

28 **SECTION 14.** G.S. 7B-3102(e) reads as rewritten:

29 "(e) Before information is released to the public under this section, the Division shall make  
30 a reasonable effort to notify a parent, legal guardian, or custodian of the ~~juvenile~~-juvenile, and  
31 shall also make a reasonable effort to provide notification to the victim in accordance with  
32 G.S. 7B-2055."

33 **SECTION 15.** G.S. 7B-2513(j) is repealed.

### 34 35 **PART III. DIRECTION TO STATE AGENCIES, APPLICABILITY, AND EFFECTIVE** 36 **DATE**

37 **SECTION 16.** No later than August 31, 2019, the Conference of District Attorneys  
38 and the Administrative Office of the Courts shall develop and disseminate the forms required by  
39 this act.

40 **SECTION 16.5.** The Administrative Office of the Courts shall, in consultation with  
41 the Conference of District Attorneys, develop procedures to automate the court date notifications  
42 required by this act.

43 **SECTION 17.** Part III of this act is effective when this act becomes law. The  
44 remainder of this act becomes effective August 31, 2019, and applies to offenses and acts of  
45 delinquency committed on or after that date.