

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40298-SA-15

Short Title: Duty to Report Giglio Information. (Public)

Sponsors: Representative Szoka.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LAW ENFORCEMENT OFFICERS AND JUSTICE OFFICERS TO
3 NOTIFY THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND
4 TRAINING STANDARDS COMMISSION OR THE NORTH CAROLINA SHERIFFS'
5 EDUCATION AND TRAINING STANDARDS COMMISSION, AS APPROPRIATE,
6 WHEN THE OFFICER IS INFORMED THAT BECAUSE OF THE OFFICER'S BIAS,
7 INTEREST, OR LACK OF CREDIBILITY, THE OFFICER MAY NOT BE CALLED TO
8 TESTIFY AT TRIAL AS A LAW ENFORCEMENT OR JUSTICE OFFICER.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Article 1 of Chapter 17C of the General Statutes is amended by adding
11 a new section to read:

12 **"§ 17C-16. Requirement to report material relevant to testimony.**

13 (a) Any person who is certified by the Commission or has received a conditional offer of
14 employment and who has been notified that the person may not be called to testify at trial based
15 on bias, interest, or lack of credibility shall report and provide a copy of that notification to the
16 Criminal Justice Standards Division within 30 days of receiving the notification. This
17 requirement shall only apply if the person is notified by one of the following methods:

18 (1) In writing by a superior court judge, district court judge, federal judge, district
19 attorney, assistant district attorney, United States attorney, assistant United
20 States attorney, or the person's agency head.

21 (2) In open court by a superior court judge, district court judge, or federal judge,
22 and documented in a written order.

23 (b) The report to the Division shall be in writing and shall state who notified the person
24 that the person may not be called to testify at trial. A person required to report to the Division
25 under subsection (a) of this section shall make the same report to the person's agency head within
26 30 days of being notified that the person may not be called to testify at trial. An agency head who
27 receives a report that a person in the agency has been notified that they may not be called to
28 testify at trial shall also report the notification to the Division in writing within 30 days of the
29 agency head's receipt of that report.

30 (c) A superior court judge, district court judge, federal judge, district attorney, assistant
31 district attorney, United States attorney, or assistant United States attorney who notifies a person
32 that they may not be called to testify at trial as provided in subsection (a) of this section shall
33 report that notification to the Division and provide a copy of the written document or order within
34 30 days of notifying the person that they may not be called to testify at trial.

35 (d) If the Division transfers to another agency the certification of any person required to
36 report to the Division pursuant to subsection (a) of this section, the Division shall provide written



1 notification to both the head of the new agency and the elected district attorney in the
2 prosecutorial district where the agency is located that the person has been previously notified that
3 the person may not be called to testify at trial. If the new agency receiving notification pursuant
4 to this subsection is a State agency, the Division shall notify the elected district attorney in every
5 prosecutorial district of the State.

6 (e) If any person required to report to the Division pursuant to subsection (a) of this
7 section is subsequently informed in writing that that the notification has been rescinded, the
8 person shall provide the Division a copy of that document. The provisions of subsection (d) of
9 this section do not apply if the person required to report pursuant to subsection (a) of this section
10 is subsequently informed in writing that the notification has been rescinded.

11 (f) No later than March 1 each year, the Commission shall report to the Joint Legislative
12 Oversight Committee on Justice and Public Safety regarding the number of individuals for whom
13 the Division received a report required by subsection (a) of this section during the previous
14 calendar year. The report shall include information for each case on whether a final agency
15 decision has been entered pursuant to Chapter 150B of the General Statutes and what action, if
16 any, has been taken against each certification. The report shall not include the name or any other
17 identifying information of any person required to report pursuant to subsection (a) of this section.

18 (g) The reports and notifications received by the Division pursuant to this section shall
19 not be public record."

20 **SECTION 2.** Chapter 17E of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 17E-16. Requirement to report material relevant to testimony.**

23 (a) Any person who is certified by the Commission or has received a conditional offer of
24 employment and who has been notified that the person may not be called to testify at trial based
25 on bias, interest, or lack of credibility shall report and provide a copy of that notification to the
26 Justice Officers' Standards Division within 30 days of receiving the notification. This
27 requirement shall only apply if the person is notified by one of the following methods:

28 (1) In writing by a superior court judge, district court judge, federal judge, district
29 attorney, assistant district attorney, United States attorney, assistant United
30 States attorney, or the person's agency head.

31 (2) In open court by a superior court judge, district court judge, or federal judge,
32 and documented in a written order.

33 (b) The report to the Division shall be in writing and shall state who notified the person
34 that the person may not be called to testify at trial. A person required to report to the Division
35 under subsection (a) of this section shall make the same report to the person's agency head within
36 30 days of being notified that the person may not be called to testify at trial. An agency head who
37 receives a report that a person in the agency has been notified that they may not be called to
38 testify at trial shall also report the notification to the Division in writing within 30 days of the
39 agency head's receipt of that report.

40 (c) A superior court judge, district court judge, federal judge, district attorney, assistant
41 district attorney, United States attorney, or assistant United States attorney who notifies a person
42 that they may not be called to testify at trial as provided in subsection (a) of this section shall
43 report that notification to the Division and provide a copy of the written document or order within
44 30 days of notifying the person that they may not be called to testify at trial.

45 (d) If the Division transfers to another agency the certification of any person required to
46 report to the Division pursuant to subsection (a) of this section, the Division shall provide written
47 notification to both the head of the new agency and the elected district attorney in the
48 prosecutorial district where the agency is located that the person has been previously notified that
49 the person may not be called to testify at trial. If the new agency receiving notification pursuant
50 to this subsection is a State agency, the Division shall notify the elected district attorney in every
51 prosecutorial district of the State.

1 (e) If any person required to report to the Division pursuant to subsection (a) of this
2 section is subsequently informed in writing that that the notification has been rescinded, the
3 person shall provide the Division a copy of that document. The provisions of subsection (d) of
4 this section do not apply if the person required to report pursuant to subsection (a) of this section
5 is subsequently informed in writing that the notification has been rescinded.

6 (f) No later than March 1 each year, the Commission shall report to the Joint Legislative
7 Oversight Committee on Justice and Public Safety regarding the number of individuals for whom
8 the Division received a report required by subsection (a) of this section during the previous
9 calendar year. The report shall include information for each case on whether a final agency
10 decision has been entered pursuant to Chapter 150B of the General Statutes and what action, if
11 any, has been taken against each certification. The report shall not include the name or any other
12 identifying information of any person required to report pursuant to subsection (a) of this section.

13 (g) The reports and notifications received by the Division pursuant to this section shall
14 not be public record."

15 **SECTION 3.** This act becomes effective October 1, 2021, and applies to
16 notifications received prior to, on, or after that date by persons required to report pursuant to this
17 act.