

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 444

Short Title: Simplify Criminal Discovery.

(Public)

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Sponsors: Senators Hartsell; Blust, Cooper, Horton, Reeves, and Soles.

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Referred to: Judiciary.

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March 20, 1997

A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY AND CLARIFY CRIMINAL DISCOVERY FOR THE STATE  
AND THE DEFENDANT AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-263(d) reads as rewritten:

"(d) Nondisclosure of Existence of Pen Register or a Trap and Trace Device. An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

(1) The order be sealed until otherwise ordered by the judge; and

(2) The person owning or leasing the line to which the pen register or a trap and trace device is attached, or who has been ordered by the judge to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any person, unless otherwise ordered by the judge.

The provisions of G.S. 15A-903 and ~~15A-904~~ shall apply to this Article."

Section 2. G.S. 15A-903(f) is repealed.

Section 3. G.S. 15A-904 is repealed.

Section 4. G.S. 15A-906 is repealed.

Section 5. G.S. 15A-1415(f) reads as rewritten:

1       "(f) In the case of a defendant who has been convicted of a capital offense and  
2 sentenced to death, the defendant's prior trial or appellate counsel shall make available to  
3 the capital defendant's counsel their complete files relating to the case of the defendant.  
4 ~~The State, to the extent allowed by law, State~~ shall make available to the capital defendant's  
5 counsel the complete files of all law enforcement and prosecutorial agencies involved in  
6 the investigation of the crimes committed or the prosecution of the defendant. If the State  
7 has a reasonable belief that allowing inspection of any portion of the files by counsel for  
8 the capital defendant would not be in the interest of justice, the State may submit for  
9 inspection by the court those portions of the files so identified. If upon examination of the  
10 files, the court finds that the files could not assist the capital defendant in investigating,  
11 preparing, or presenting a motion for appropriate relief, the court in its discretion may  
12 allow the State to withhold that portion of the files."

13               Section 6. This act becomes effective July 1, 1997.