

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 1393

Short Title: Enhance Protection of Victims & Witnesses. (Public)

Sponsors: Senator McKissick.

Referred to: Appropriations/Base Budget.

May 26, 2010

A BILL TO BE ENTITLED

AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES
BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE
STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO
EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE
CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING
WITH A WITNESS AND TO APPROPRIATE FUNDS TO THE JUDICIAL
DEPARTMENT TO ASSIST WITH IMPLEMENTATION COSTS.

The General Assembly of North Carolina enacts:

SECTION 1. Rule 804(b) of the North Carolina Rules of Evidence, as contained in
G.S. 8C-1, is amended by adding a new subdivision to read:

"(6) Forfeiture by wrongdoing. – A statement is not excluded by the hearsay rule
if the statement is offered against a party that has engaged or acquiesced in
wrongdoing that was intended to and did procure the unavailability of a
witness who was the declarant of the statement. The court shall determine
the admissibility of the statement under this section by a preponderance of
the evidence."

SECTION 2. G.S. 14-226(a) reads as rewritten:

"(a) If any person shall by threats, menaces or in any other manner intimidate or attempt
to intimidate any person who is summoned or acting as a witness in any of the courts of this
State, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such
witness from attendance upon such court, ~~he~~ the person shall be guilty of a ~~Class H~~
~~felony.~~ Class C felony."

SECTION 3. There is appropriated from the General Fund to the Judicial
Department the sum of ten thousand dollars (\$10,000) for the 2010-2011 fiscal year to assist
with the cost of implementing this act.

SECTION 4. This act becomes effective December 1, 2010, and applies to
offenses committed on or after that date.

