

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**SENATE BILL 268**

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

Sponsors: Senators McKissick, Stevens; Allran, Apodaca, Atwater, D. Berger, Brown, Hise, Mansfield, Purcell, Robinson, Tillman, and Vaughan.

Referred to: Rules and Operations of the Senate.

March 9, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES  
3 BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE  
4 STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO  
5 EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE  
6 CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING  
7 WITH A WITNESS.

8 The General Assembly of North Carolina enacts:

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

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

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

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

23 **SECTION 3.** This act becomes effective December 1, 2011, and applies to  
24 offenses committed on or after that date.

