

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 524  
Committee Substitute Favorable 4/20/89

Short Title: Expand Fair Treatment for Victims.

(Public)

Sponsors:

Referred to:

March 13, 1989

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE ADDITIONAL INFORMATION TO VICTIMS AND  
WITNESSES OF CRIMES ABOUT THEIR RIGHTS AND THE TRIAL  
PROCEEDINGS CONCERNING THEM AND TO INCLUDE SERIOUS  
MISDEMEANORS AMONG THE CRIMES FOR WHICH SUCH  
INFORMATION IS TO BE MADE AVAILABLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-824 reads as rewritten:

"§ 15A-824. Definitions.

As used in this Article, unless the context clearly requires otherwise:

- (1) 'Crime' means a serious misdemeanor as determined in the sole discretion of the district attorney, any felony-felony, or an any act committed by a juvenile that, if committed by a competent adult, would constitute a felony.
- (2) 'Family member' means a spouse, child, parent or legal guardian, or the closest living relative.
- (3) 'Victim' means a person against whom there is probable cause to believe a crime has been committed.
- (4) 'Witness' means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony, or who by reason of having relevant information is subject to being called or is likely to be called as a witness for the prosecution in such

1 an action, whether or not an action or proceeding has been  
2 commenced."

3 Sec. 2. G.S. 15A-825 reads as rewritten:

4 **"§ 15A-825. Treatment due victims and witnesses.**

5 To the extent reasonably possible and subject to available resources, the employees  
6 of law-enforcement agencies, the prosecutorial system, the judicial system, and the  
7 correctional system should make a reasonable effort to assure that each victim and  
8 witness within their jurisdiction:

9 (1) Is provided information regarding immediate medical assistance when  
10 needed and is not detained for an unreasonable length of time before  
11 having such assistance administered.

12 (2) Is provided information about available protection from harm and  
13 threats of harm arising out of cooperation with law-enforcement  
14 prosecution efforts, and receives such protection.

15 (2a) Is provided information that testimony as to one's home address is not  
16 relevant in every case, and that the victim or witness may request the  
17 district attorney to raise an objection should he/she deem it appropriate  
18 to this line of questioning in the case at hand.

19 (3) Has any stolen or other personal property expeditiously returned by  
20 law-enforcement agencies when it is no longer needed as evidence,  
21 and its return would not impede an investigation or prosecution of the  
22 case. When feasible, all such property, except weapons, currency,  
23 contraband, property subject to evidentiary analysis, and property  
24 whose ownership is disputed, should be photographed and returned to  
25 the owner within a reasonable period of time of being recovered by  
26 law-enforcement officials.

27 (4) Is provided appropriate employer intercession services to seek the  
28 employer's cooperation with the criminal justice system and minimize  
29 the employee's loss of pay and other benefits resulting from such  
30 cooperation whenever possible.

31 (5) Is provided, whenever practical, a secure waiting area during court  
32 proceedings that does not place the victim or witness in close  
33 proximity to defendants and families or friends of defendants.

34 (6) Is informed of the procedures to be followed to apply for and receive  
35 any appropriate witness fees or victim compensation.

36 (6a) Is informed of the right to be present throughout the entire trial of the  
37 defendant, subject to the right of the court to sequester witnesses.

38 (7) Is given the opportunity to be present during the final disposition of  
39 the case or is informed of the final disposition of the case, if he has  
40 requested to be present or be informed.

41 (8) Is notified, whenever possible, that a court proceeding to which he has  
42 been subpoenaed will not occur as scheduled.

43 (9) Has a victim impact statement prepared for consideration by the court.

- 1           (9a) Is notified by the district attorney, to the extent reasonably possible,  
2           whenever that office is prepared to recommend a plea bargain to the  
3           court.
- 4           (10) Is informed that civil remedies may be available and that statutes of  
5           limitation apply in civil cases.
- 6           (11) Upon the victim's written request, Is-is notified before a proceeding is  
7           held at which the release of the offender from custody is considered, if  
8           the crime for which the offender was placed in custody is a Class G or  
9           more serious felony.
- 10          (12) Upon the victim's written request, Is-is notified if the offender escapes  
11          from custody or is released from custody, if the crime for which the  
12          offender was placed in custody is a Class G or more serious felony.
- 13          (13) Has family members of a homicide victim offered all the guarantees in  
14          this section, except those in subdivision (1)."
- 15          Sec. 3. This act shall become effective October 1, 1989.