GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

H HOUSE DRH60256-LH-35C (12/29)

	Short Title:	Eyewitness ID Reform Act. (Public)		
	Sponsors:	Representatives Glazier, Stam, Ross, and Lucas (Primary Sponsors).		
	Referred to:			
1		A BILL TO BE ENTITLED		
2	AN ACT TO	ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.		
3	The General Assembly of North Carolina enacts:			
4		ECTION 1. Chapter 15A of the General Statutes is amended by adding a		
5		new Article to read:		
6		"Article 14A.		
7		"Eyewitness Identification Reform Act.		
8	" <u>§</u> 15A-284.	50. Short title.		
9		This Article shall be called the "Eyewitness Identification Reform Act."		
10	" <u>§ 15A-284.</u>	51. Purpose.		
11	The purp	ose of this Article is to help solve crime, convict the guilty, and exonerate		
12	the innocer	nt in criminal proceedings by improving procedures for eyewitness		
13	identification	n of suspects.		
14	" <u>§ 15A-284.</u>	52. Eyewitness identification reform.		
15	<u>(a)</u> <u>D</u>	efinitions. – The following definitions apply in this Article:		
16	<u>(1</u>	Blind administration. – The procedure of conducting a photo lineup or		
17		live lineup by a line administrator who is not participating in the		
18		investigation of the criminal offense and who is unaware of which		
19		person in the lineup is the suspect and which persons are fillers.		

may be relevant in a criminal proceeding.

an offense and is included in a lineup.

Eyewitness. – A person whose identification by sight of another person

Filler. – A person or a photograph of a person who is not suspected of

Photo lineup. – A procedure in which an array of photographs is

displayed to an eyewitness for the purpose of determining if the

eyewitness is able to identify the perpetrator of a crime.

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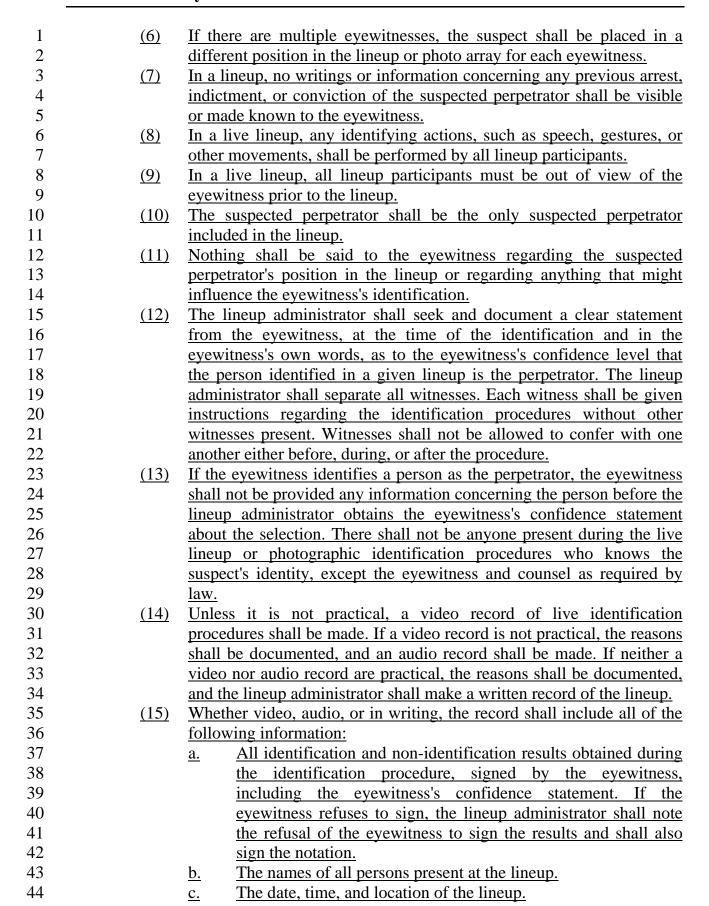
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1	<u>(5)</u>	Live lineup. – A procedure in which a group of people is displayed to
2		an eyewitness for the purpose of determining if the eyewitness is able
3		to identify the perpetrator of a crime.
4	<u>(6)</u>	<u>Lineup.</u> – A photo lineup or live lineup.
5	<u>(7)</u>	Lineup administrator. – The person who conducts a lineup.
6	(b) Eyew	itness Identification Procedures Lineups conducted by State, county,
7		aw enforcement officers shall meet all of the following requirements:
8	(1)	The lineup administrator shall be a person who does not know which
9		person in the lineup is the suspect. In the event an independent
10		administrator is not available, a double blind administration of the
11		lineup shall otherwise occur, and an alternative method may be used as
12		provided by subsection (c) of this section.
13	<u>(2)</u>	Individuals or photos shall be presented to witnesses sequentially,
14		rather than simultaneously. Sequential presentation requires each
15		individual or photo to be presented to the witness separately, in a
16		previously determined order, removing each individual or photo after
17		it is viewed, whereas simultaneous presentation requires all individuals
18		or photos be presented at the same time.
19	<u>(3)</u>	Before a lineup, the eyewitness shall be instructed that the perpetrator
20		might or might not be presented in the lineup, that the lineup
21		administrator does not know the suspect's identity, that the eyewitness
22		should not feel compelled to make an identification, that it is as
23		important to exclude innocent persons as it is to identify the
24		perpetrator, and that the investigation will continue whether or not an
25		identification is made.
26	<u>(4)</u>	In a photo lineup, the photograph of the suspected perpetrator shall be
27	\ \ \ \ \ \ \ \	contemporary and, to the extent practicable, shall resemble his or her
28		appearance at the time of the offense.
29	<u>(5)</u>	The lineup shall be composed so that the fillers generally resemble the
30	<u> </u>	eyewitness's description of the suspected perpetrator, while ensuring
31		that the suspect does not unduly stand out from the fillers. In addition:
32		a. All fillers selected shall resemble, as much as practicable, the
33		eyewitness's description of the perpetrator in significant
34		features including any unique or unusual features.
35		b. At least five fillers shall be included in a photo lineup, in
36		addition to the suspected perpetrator.
37		c. At least five fillers shall be included in a live lineup, in addition
38		to the suspected perpetrator.
39		d. If the eyewitness has previously viewed a photo lineup or live
40		lineup in connection with the identification of another person
41		suspected of involvement in the offense, the fillers in the lineup
42		in which the suspected perpetrator participates shall be different
43		from the fillers used in any prior lineups.
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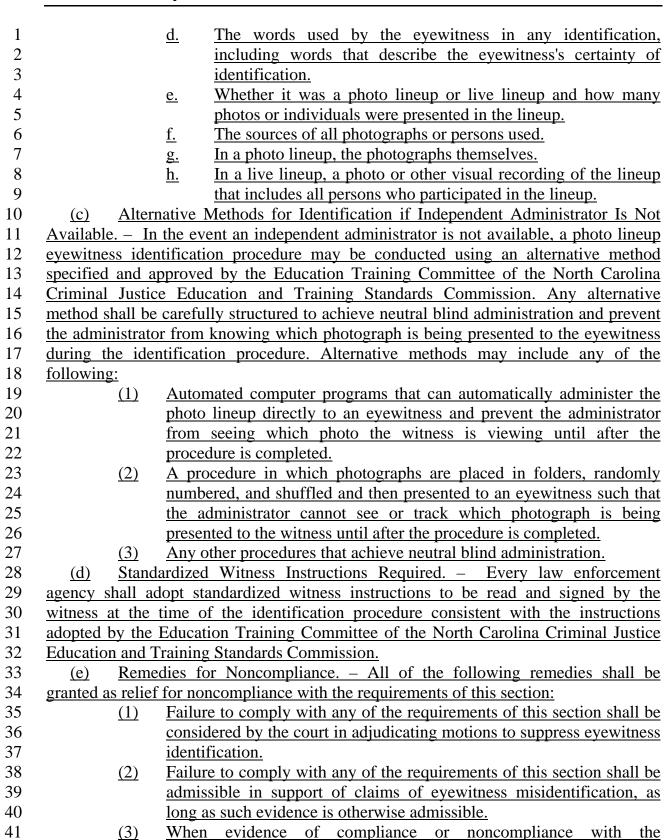
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requirements of this section has been presented at trial, the jury shall be instructed that it may consider credible evidence of compliance or

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1	noncompliance to determine the reliability	of eyewitness	
2	identifications.	or eyewithess	
3	"§ 15A-284.53. Training of law enforcement officers.		
4	The Department of Justice shall create educational materials and	conduct training	
5	programs to instruct law enforcement officers and recruits how to co	onduct lineups in	
6	compliance with this Article."	-	
7	SECTION 2. This act becomes effective December 1, 200	7, and applies to	
8	offenses committed on or after that date.		

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