

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS65169-LH-73B* (02/06)

Short Title: Discovery/DA Work Product & Confid. Informant. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE STATE IS NOT REQUIRED TO DISCLOSE
THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A CRIMINAL CASE
UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY LAW, AND TO
PROTECT THE WORK PRODUCT OF PROSECUTORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-904 reads as rewritten:

"§ 15A-904. **Disclosure by the State – Certain information not subject to disclosure.**

(a) The State is not required to disclose written materials drafted by the prosecuting attorney or the prosecuting attorney's legal staff for their own use at trial, including witness examinations, voir dire questions, opening statements, and closing arguments. Disclosure is also not required of legal research or of records, correspondence, reports, memoranda, or trial preparation interview notes prepared by the prosecuting attorney or by members of the prosecuting attorney's legal staff to the extent they contain the opinions, theories, strategies, or conclusions of the prosecuting attorney or the prosecuting attorney's legal staff.

(a1) The State is not required to disclose the identity of a confidential informant unless the disclosure is otherwise required by law.

(b) Nothing in this section prohibits the State from making voluntary disclosures in the interest of justice nor prohibits a court from finding that the protections of this section have been waived.

(c) This section shall have no effect on the State's duty to comply with federal or State constitutional disclosure requirements."

SECTION 2. This act is effective when it becomes law and applies to pending cases.