

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

1

HOUSE BILL 502

Short Title: Preserve Biological Evidence/Custodial Agency. (Public)

Sponsors: Representatives Glazier, Stam, Jackson, and Michaux (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE RESPONSIBILITY OF A STATE
AGENCY WITH REGARD TO THE PRESERVATION AND INVENTORY OF
BIOLOGICAL EVIDENCE IN THE AGENCY'S CUSTODY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-268(a1) reads as rewritten:

"(a1) Notwithstanding any other provision of law and subject to subsection (b) of this section, a custodial agency shall preserve any physical ~~evidence~~evidence, regardless of the date of collection, that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution. Evidence shall be preserved in a manner reasonably calculated to prevent contamination or degradation of any biological evidence that might be present, subject to a continuous chain of custody, and securely retained with sufficient official documentation to locate the evidence."

SECTION 2. G.S. 15A-268(a7) reads as rewritten:

"(a7) Upon written request by the defendant, the custodial agency shall prepare an inventory of biological evidence relevant to the defendant's case that ~~has been preserved pursuant to this section~~is in the custodial agency's custody. If the evidence was destroyed through court order or other written directive, the custodial agency shall provide the defendant with a copy of the court order or written directive."

SECTION 3. This act is effective when it becomes law.

