

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 564

Short Title: Revise Exclusionary Rule.

(Public)

Sponsors: Representative Stam.

Referred to: Judiciary II.

March 20, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT EVIDENCE MAY ONLY BE SUPPRESSED IN A  
3 CRIMINAL TRIAL IF ITS EXCLUSION IS REQUIRED BY THE  
4 CONSTITUTION OF THE UNITED STATES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-974 reads as rewritten:

7 "**§ 15A-974. Exclusion or suppression of unlawfully obtained evidence.**

8 Upon timely motion, evidence ~~must~~may only be suppressed ~~if~~if its exclusion is  
9 required by the Constitution of the United States.

10 (1) ~~Its exclusion is required by the Constitution of the United States or the~~  
11 ~~Constitution of the State of North Carolina; or~~

12 (2) ~~It is obtained as a result of a substantial violation of the provisions of~~  
13 ~~this Chapter. In determining whether a violation is substantial, the~~  
14 ~~court must consider all the circumstances, including:~~

15 a. ~~The importance of the particular interest violated;~~

16 b. ~~The extent of the deviation from lawful conduct;~~

17 c. ~~The extent to which the violation was willful;~~

18 d. ~~The extent to which exclusion will tend to deter future~~  
19 ~~violations of this Chapter."~~

20 **SECTION 2.** This act becomes effective December 1, 2003, and shall apply  
21 to all criminal trials pending or commencing on or after that date.