Rule 416. (Effective December 1, 2026) Evidence of criminal gang activity.

(a) For purposes of this rule, the term "criminal gang activity" is as defined in G.S. 14-50.16A.

(b) In any proceeding in which a person is accused of conducting, participating in, or conspiring to commit criminal gang activity, or in any proceeding under Article 13B of Chapter 14 of the General Statutes, evidence of the defendant's commission of criminal gang activity may be considered for the purpose of proving any element of the alleged criminal offense.

(c) In any proceeding in which the prosecution intends to offer evidence under this rule, the prosecutor shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 10 days in advance of trial, unless the time is shortened or lengthened or pretrial notice is excused by the judge upon good cause shown.

(d) This rule shall not be the exclusive means to admit or consider the evidence described in this rule. (2026-37, s. 5(a).)