

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS75385-LH-255A (03/05)

Short Title: Enhance Protection of Victims & Witnesses.

(Public)

Sponsors: Senator McKissick.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES
3 BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE
4 STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO
5 EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE
6 CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING
7 WITH A WITNESS AND TO APPROPRIATE FUNDS TO THE JUDICIAL
8 DEPARTMENT TO ASSIST WITH IMPLEMENTATION COSTS.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Rule 804(b) of the North Carolina Rules of Evidence, as contained in
11 G.S. 8C-1, is amended by adding a new subdivision to read:

12 "(6) Forfeiture by wrongdoing. – A statement is not excluded by the hearsay rule
13 if the statement is offered against a party that has engaged or acquiesced in
14 wrongdoing that was intended to and did procure the unavailability of a
15 witness who was the declarant of the statement. The court shall determine
16 the admissibility of the statement under this section by a preponderance of
17 the evidence."

18 **SECTION 2.** G.S. 14-226(a) reads as rewritten:

19 "(a) If any person shall by threats, menaces or in any other manner intimidate or attempt
20 to intimidate any person who is summoned or acting as a witness in any of the courts of this
21 State, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such
22 witness from attendance upon such court, ~~he~~ the person shall be guilty of a ~~Class H~~
23 ~~felony.~~ Class C felony."

24 **SECTION 3.** There is appropriated from the General Fund to the Judicial
25 Department the sum of ten thousand dollars (\$10,000) for the 2010-2011 fiscal year to assist
26 with the cost of implementing this act.

27 **SECTION 4.** This act becomes effective December 1, 2010, and applies to
28 offenses committed on or after that date.



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