

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 998  
SENATE BILL 595

AN ACT TO ESTABLISH FAIR TREATMENT FOR CRIME VICTIMS AND  
WITNESSES.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to Subchapter VIII of Chapter 15A of the General Statutes to read:

"ARTICLE 45.

"Fair Treatment for Victims and Witnesses.

"§ 15A-824. **Definitions.** – As used in this Article, unless the context clearly requires otherwise:

- (1) 'Crime' means a felony or an act committed by a juvenile that, if committed by a competent adult, would constitute a felony.
- (2) 'Family member' means a spouse, child, parent or legal guardian, or the closest living relative.
- (3) 'Victim' means a person against whom there is probable cause to believe a crime has been committed.
- (4) 'Witness' means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony, or who by reason of having relevant information is subject to being called or is likely to be called as a witness for the prosecution in such an action, whether or not an action or proceeding has been commenced.

"§ 15A-825. **Treatment due victims and witnesses.** – To the extent reasonably possible and subject to available resources, the employees of law enforcement agencies, the prosecutorial system, the judicial system, and the correctional system should make a reasonable effort to assure that each victim and witness within their jurisdiction:

- (1) Is provided information regarding immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.
- (2) Is provided information about available protection from harm and threats of harm arising out of cooperation with law enforcement prosecution efforts, and receives such protection.
- (3) Has any stolen or other personal property expeditiously returned by law enforcement agencies when it is no longer needed as evidence, and its return would not impede an investigation or prosecution of the case. When feasible, all such property, except weapons, currency,

contraband, property subject to evidentiary analysis, and property whose ownership is disputed, should be photographed and returned to the owner within a reasonable period of time of being recovered by law enforcement officials.

- (4) Is provided appropriate employer intercession services to seek the employer's cooperation with the criminal justice system and minimize the employee's loss of pay and other benefits resulting from such cooperation whenever possible.
- (5) Is provided, whenever practical, a secure waiting area during court proceedings that does not place the victim or witness in close proximity to defendants and families or friends of defendants.
- (6) Is informed of the procedures to be followed to apply for and receive any appropriate witness fees or victim compensation.
- (7) Is given the opportunity to be present during the final disposition of the case or is informed of the final disposition of the case, if he has requested to be present or be informed.
- (8) Is notified, whenever possible, that a court proceeding to which he has been subpoenaed will not occur as scheduled.
- (9) Has a victim impact statement prepared for consideration by the court.
- (10) Is informed that civil remedies may be available and that statutes of limitation apply in civil cases.
- (11) Is notified before a proceeding is held at which the release of the offender from custody is considered, if the crime for which the offender was placed in custody is a Class G or more serious felony.
- (12) Is notified if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a Class G or more serious felony.
- (13) Has family members of a homicide victim offered all the guarantees in this section, except those in subdivision (1).

**"§ 15A-826. Victim and witness assistants.** – Victim and witness assistants are responsible for coordinating efforts within the law enforcement and judicial systems to assure that each victim and witness is treated in accordance with this Article.

**"§ 15A-827. Scope.** – This Article does not create any civil or criminal liability on the part of the State of North Carolina or any criminal justice agency, employee, or volunteer."

Sec. 2. Article 29 of Chapter 7A of the General Statutes is amended by adding two new sections to read:

**"§ 7A-347. Victim and witness assistants.** – Victim and witness assistant positions are established under the District Attorneys Offices. Each prosecutorial district is allocated at least one victim and witness assistant to be employed by the district attorney. The Administrative Office of the Courts shall allocate additional victim and witness assistants to prosecutorial districts on the basis of need and within available appropriations. Each district attorney may also use any volunteer or other personnel to assist the victim and witness assistant. The victim and witness assistant is responsible

for coordinating efforts of the law enforcement and judicial systems to assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and Witnesses and shall be used for no other purpose, except as may be approved pursuant to G.S. 7A-348.

"§ 7A-348. **Training and supervision of victim and witness assistants.** – Pursuant to the provisions of G.S. 7A-413, the Conference of District Attorneys shall:

- (1) assist in establishing uniform statewide training for the victim and witness assistants;
- (2) assist in the implementation and supervision of this program; and
- (3) with the Director of the Administrative Office of the Courts, report annually to the Joint Legislative Commission on Governmental Operations on the implementation and effectiveness of this act, beginning on or before February 1, 1987."

Sec. 3. The witness assistant coordinator positions established by G.S. 7A-69.1 are allocated to the districts listed in that section. The positions transferred by this section are subject to the provisions of G.S. 7A-347. Following the transfer of the positions, G.S. 7A-69.1 is repealed.

Sec. 4. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of four hundred nineteen thousand thirty-eight dollars (\$419,038) for fiscal year 1986-87 to fund victim and witness assistant positions and training created by this act. The funds to implement the provisions of this act are provided by probation and parole supervision fees imposed under G.S. 15A-1343, 15A-1374, and 148-65.1, as amended by Chapter 859 of the 1985 Session Laws (1986 Regular Session).

Sec. 5. This act shall become effective October 1, 1986.

In the General Assembly read three times and ratified, this the 12th day of July, 1986.