

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 723
HOUSE BILL 358

AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE CHILD FATALITY TASK FORCE TO ENCOURAGE PROSECUTORIAL CHILD PROTECTION INITIATIVES AND TO CLARIFY THAT JUDICIAL OFFICIALS MAY SET CERTAIN CONDITIONS FOR BAIL AND PRETRIAL RELEASE FOR PERSONS ACCUSED OF SEX OFFENSES AND CRIMES OF VIOLENCE AGAINST CHILD VICTIMS.

The General Assembly of North Carolina enacts:

Section 1. The Administrative Officer of the Courts shall encourage the district attorney in each prosecutorial district to develop and disseminate information about provisions for "child friendly" courtroom environments and preparation of child witnesses and for the use of videotaped and closed circuit testimony in the courtroom.

Sec. 2. The North Carolina Conference of District Attorneys is encouraged to determine interest in setting up a special section for child abuse prosecutors and to set up such a section if it determines there is sufficient interest.

Sec. 3. The North Carolina Department of Justice and the North Carolina Conference of District Attorneys are encouraged to develop protocols and training, as follows:

- (1) For law enforcement agencies, protocols for conducting child abuse investigations;
- (2) For district attorneys, protocols for criminal prosecution of child abuse and neglect; and
- (3) For local multidisciplinary child abuse and neglect criminal investigation teams, protocols for operating policies and information sharing.

Sec. 4. The North Carolina Department of Justice and the Administrative Officer of the Courts are encouraged to develop and disseminate the following job descriptions and working procedures:

- (1) For law enforcement agencies, job descriptions, and work procedures for law enforcement officers specializing in child abuse criminal investigations; and
- (2) For district attorneys, job descriptions, and work procedures for an assistant district attorney who handles all child abuse and neglect cases.

Sec. 5. Article 26 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-534.4. Sex offenses and crimes of violence against child victims: bail and pretrial release.

In all cases in which the defendant is charged with felonious or misdemeanor child abuse, with taking indecent liberties with a minor in violation of G.S.14-202.1, with rape or any other sex offense in violation of Article 7A, Chapter 14 of the General Statutes, against a minor victim, with incest with a minor in violation of G.S. 14-178, with kidnapping, abduction, or felonious restraint involving a minor victim, with a violation of G.S. 14-320.1, with assault or any other crime of violence against a minor victim, or with communicating a threat against a minor victim, in addition to the provisions of G.S. 15A-534 a judicial official may impose the following conditions on pretrial release:

- (1) That the defendant stay away from the home, temporary residence, school, business, or place of employment of the alleged victim.
- (2) That the defendant refrain from communicating or attempting to communicate, directly or indirectly, with the victim, except under circumstances specified in an order entered by a judge with knowledge of the pending charges.
- (3) That the defendant refrain from assaulting, beating, intimidating, stalking, threatening, or harming the alleged victim.

The conditions set forth above may be imposed in addition to any other conditions that the judicial official may impose on pretrial release."

Sec. 6. Nothing in this act obligates the General Assembly to appropriate any funds to implement this act.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives