

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 64

Short Title: Evidence/Admit Juvenile Record.

(Public)

Sponsors: Senators Codington; and Hartsell.

Referred to: Juveniles/Prevention.

February 11, 1994

A BILL TO BE ENTITLED

AN ACT RELATING TO ADMISSIBILITY UNDER THE NORTH CAROLINA
RULES OF EVIDENCE OF THE JUVENILE RECORD OF THE ACCUSED OR
A WITNESS IN A CRIMINAL CASE AND MAKING CONFORMING
CHANGES REGARDING THE MAINTENANCE OF JUVENILE RECORDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 8C-1, Rule 404(b) reads as rewritten:

"(b) Other crimes, wrongs, or acts. – Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake, entrapment or accident. Evidence admissible for other purposes may include evidence of other crimes, wrongs, or acts contained in the juvenile record of the accused in a criminal case."

Sec. 2. G.S. 8C-1, Rule 609(d) reads as rewritten:

"(d) Juvenile adjudications. – Evidence of juvenile adjudications is generally not admissible under this rule. ~~The court may, however, However,~~ in a criminal ~~case-case,~~ the court may allow evidence of a juvenile adjudication of the accused or a witness other than the accused if conviction of the offense would be admissible to attack the credibility of an ~~adult and~~ adult. Evidence of juvenile adjudications shall only be admissible when the court is satisfied that admission in evidence is necessary for a fair determination of the issue of guilt or innocence."

Sec. 3. G.S. 7A-675(a) reads as rewritten:

1 (a) The clerk of superior court shall maintain a complete record of all juvenile
2 cases filed in ~~his~~the clerk's office to be known as the juvenile record, which shall be
3 withheld from public inspection and may be examined only by order of the judge,
4 except ~~that~~that:

5 (1) The juvenile, ~~his~~the juvenile's parent, guardian, custodian, or other
6 authorized representative of the juvenile shall have a right to examine
7 the juvenile's ~~record~~ record; and

8 (2) The juvenile's record may be admissible into evidence in a criminal
9 case as provided by G.S. 8C-1, the North Carolina Rules of Evidence,
10 where the juvenile is the accused or a witness in the criminal case.

11 The record shall include the summons, petition, custody order, court order, written
12 motions, the electronic or mechanical recording of the hearing, and other papers filed in
13 the proceeding. The recording of the hearing shall be reduced to a written transcript
14 only when notice of appeal has been timely given. ~~After the time for appeal has expired~~
15 ~~with no appeal having been filed, the recording of the hearing may be erased or destroyed upon~~
16 ~~the written order of the judge. given or when a court order has been issued for the~~
17 ~~transcript for use in a criminal case in accordance with G.S. 8C-1, the North Carolina~~
18 ~~Rules of Evidence. The recording of the hearing shall be maintained by the clerk unless~~
19 ~~the judge issues a written order directing that the recording be erased or destroyed.~~"

20 Sec. 4. This act is effective upon ratification except that Sections 1 and 2 of
21 this act become effective July 1, 1994, and apply to criminal cases commenced on or
22 after that date, and Section 3 of this act becomes effective July 1, 1994, and applies to
23 juvenile records in existence on or after that date.