

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 809

Short Title: Ex Parte Funding/Supporting Services.

(Public)

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Sponsors: Senators Ballance and Hartsell.

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Referred to: Judiciary II/Election Laws

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April 24, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EX PARTE FUNDING FOR MENTAL HEALTH  
EXPERTS IN CAPITAL AND NONCAPITAL TRIALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 71A-454 reads as rewritten:

**"§ 7A-454. Supporting services.**

The court, in its discretion, may approve a fee for the service of an expert witness who testifies for an indigent person, and shall approve reimbursement for the necessary expenses of counsel. ~~Fees and expenses accrued under this section shall be paid by the State.~~

The application for funding of a mental health expert in a capital or noncapital trial may be made ex parte, but the order approving the necessary expenses and the identity of the mental health expert shall be filed as a public record. The order also shall direct that the mental health expert prepare a written report containing complete findings, diagnoses, and conclusions as well as the bases for the same. The report shall be made available to the State pursuant to the provisions of G.S. 15A-905.

A defendant's failure to comply with a disclosure order issued pursuant to G.S. 15A-905 may be sanctioned by prohibiting or striking the testimony and report of the mental health expert. A defendant shall not make an ex parte application for funding of a mental health expert in connection with a motion for appropriate relief or other postconviction hearing."

1           Sec. 2. This act becomes effective December 1, 1995, and applies to motions  
2 for ex parte funding filed on or after that date.