

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 464
HOUSE BILL 267

AN ACT TO PROVIDE FOR THE ADMISSIBILITY OF DYING DECLARATIONS IN ALL
CIVIL AND CRIMINAL ACTIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 8 of the General Statutes is hereby amended by inserting a new section to read as follows:

"§ 8-51.1. **Dying declarations.** — The dying declarations of a deceased person regarding the cause or circumstances of his death shall be admissible in evidence in all civil and criminal trials and other proceedings before courts, administrative agencies and other tribunals to the same extent and for the same purposes that they might have been admissible had the deceased survived and been sworn as a witness in the proceedings, subject to proof that:

- (1) At the time of the making of such declaration the deceased was conscious of approaching death and believed there was no hope of recovery;
- (2) Such declaration was voluntarily made."

Sec. 2. G.S. 28-173 is hereby amended by deleting the second paragraph thereof which reads as follows:

"In all actions brought under this section the dying declarations of the deceased as to the cause of his death shall be admissible in evidence in like manner and under the same rules as dying declarations of the deceased in criminal actions for homicide are now received in evidence."

Sec. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 4. This act shall be in full force and effect on and after October 1, 1973.

In the General Assembly read three times and ratified, this the 11th day of May,

1973.