

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1037
HOUSE BILL 1739

AN ACT TO REPEAL OR AMEND VARIOUS STATUTES TO CONFORM WITH
THE NORTH CAROLINA RULES OF EVIDENCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1446(b) is amended by inserting between the words "errors" and "in" the words "affecting substantial rights".

Sec. 2. Article 7A of Chapter 8 of the General Statutes is repealed.

Sec. 3. The second sentence of G.S. 8-56 is repealed.

Sec. 4. G.S. 50-10 is amended by deleting from the catch line the phrase "parties cannot testify to adultery;" and by repealing the last sentence of the section.

Sec. 5. G.S. 8-51 is repealed.

Sec. 6. G.S. 15A-1223 is amended as follows:

(1) by deleting subsection (b)(2);

(2) by adding a new subsection to read:

"(e) A judge must disqualify himself from presiding over a criminal trial or proceeding if he is a witness for or against one of the parties in the case."

Sec. 7. G.S. 7A-677(b) is amended by deleting the words the words "criminal or".

Sec. 8. G.S. 7A-678 is amended by deleting the words "criminal or".

Sec. 9. Article 7B of Chapter 8 of the General Statutes is repealed.

Sec. 10. G.S. 8-40.1 is repealed.

Sec. 11. G.S. 8-51.1 is rewritten to read:

"§ 8-51.1. Dying declarations.—Dying declarations admissible in administrative proceedings shall be as provided in G.S. 8C-1, Rule 804."

Sec. 12. G.S. 8-40 is repealed.

Sec. 13. G.S. 8-38 is repealed.

Sec. 14. G.S. 8C-1, Rule 1101(b)(3) is amended by deleting the phrase "; juvenile proceedings, except those under G.S. 7A-634(a)".

Sec. 15. The Revisor of Statutes is authorized to amend the Commentary to G.S. 8C-1 to conform with the provisions of this act and to remove references in the Commentary to legislative actions suggested but which are not taken in this act.

Sec. 16. This act shall become effective July 1, 1984.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.