

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

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HOUSE BILL 160

Short Title: TV Testimony in Crim. Trial.

(Public)

Sponsors: Representatives Joye; and Lemmond.

Referred to: Judiciary III.

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EXPERT TESTIMONY BY AUDIO AND VISUAL
TRANSMISSION UPON COURT ORDER IN A CRIMINAL TRIAL.

The General Assembly of North Carolina enacts:

Section 1. Article 42 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-806. Attendance of expert witness by audio and visual transmission."

(a) Upon order of the court, an expert witness in a criminal trial may appear and testify by audio and visual transmission between the expert witness and the courtroom. A judge may issue the order for expert testimony by audio and visual transmission upon the motion of the defendant or the prosecution and after a hearing on the motion, which shall be heard as soon as practicable after the motion is made. The judge shall deny the motion if the judge is satisfied that denial of the motion is in the interest of justice and necessary for a fair determination on the issue of the defendant's guilt or innocence.

(b) The audio and visual transmission of expert witness testimony shall be conducted in a manner that allows the expert witness, the judge, the jury, the defendant, the defendant's counsel, and the prosecution to see and hear each other, except that the transmission shall not cause confidential communications to be overheard."

19 Sec. 2. This act is effective January 1, 1995, and applies to criminal cases
20 pending on or after that date.