

April 21, 2005

**H 1439. EXCLUSIONARY RULE/GOOD FAITH EXCEPTION. TO PROVIDE FOR A GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE.** Amends GS 15A-974 to provide that evidence in a criminal matter may be suppressed only if exclusion is required by the US or NC Constitution (was, must be suppressed for this reason or if obtained as a result of a substantial violation of GS Chapter 15A). Provides that evidence will not be suppressed for any constitutional violation if the person committing the violation was acting in the good faith belief that the violation was lawful. Applies to all criminal trials pending or commenced on or after December 1, 2005.

**Intro. by Stam.**

Ref. to Judiciary III

GS 15A

May 31, 2005

**H 1439. EXCLUSIONARY RULE/GOOD FAITH EXCEPTION.** Intro. 4/21/05. House committee substitute adopted 5/27/05 deletes all provisions of the 1st edition and replaces it with *AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE STATE'S EXCLUSIONARY RULE*. As title indicates. Authorizes Comm'n to study whether GS 15A-974 properly balances an individual's privacy rights with the need to investigate crimes and enforce laws and whether criminal evidence should be suppressed due to a constitutional violation if a search was conducted with a good faith belief of a search warrant's validity. If Comm'n undertakes study, requires that it make its final report upon the convening of the 2007 General Assembly.