

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 1439
Committee Substitute Favorable 5/27/05**

Short Title: Exclusionary Rule/Good Faith Exception.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
STUDY THE STATE'S EXCLUSIONARY RULE.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission may study the State's exclusionary rule, and consider in particular the following:

(a) Whether G.S. 15A-974 as currently written reflects the proper balancing of the individual's right to privacy with law enforcement's need to investigate crime and enforce laws.

(b) Whether criminal evidence should be suppressed for a constitutional violation if the person committing the violation was acting in reliance upon a search warrant in good faith belief that the search warrant was valid.

SECTION 2. The Legislative Research Commission may make an interim report, including proposed legislation, to the 2006 Regular Session of the 2005 General Assembly and shall make its final report to the 2007 General Assembly upon its convening.

SECTION 3. The Legislative Services Officer shall allocate funds appropriated to the General Assembly for the expenditures of the Legislative Services Commission in conducting this study.

SECTION 4. This act is effective when it becomes law.