GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

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SENATE DRS55339-LR-58 (2/26)

Short Title:	Broaden Open Discovery.	(Public)
Sponsors:	Senator Clodfelter.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT AND PROSECUTORIAL AGENCIES IN THE OPEN DISCOVERY PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-903(a)(1) reads as rewritten:

"(1) Make available to the defendant the complete files of all law enforcement and prosecutorial agencies involved in the investigation of the crimes committed or the prosecution of the defendant. The term "file" includes the defendant's statements, the codefendants' statements, witness statements, investigating officers' notes, results of tests and examinations, or any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant. <u>The term "prosecutorial agency" includes any public or private entity that obtains information on behalf of a law enforcement agency or prosecutor in connection with the prosecution of the defendant.</u> Oral statements shall be in written or recorded form. The defendant shall have the right to inspect and copy or photograph any materials contained therein and, under appropriate safeguards, to inspect, examine, and test any physical evidence or sample contained therein."

SECTION 2. This act becomes effective October 1, 2007.