

GENERAL ASSEMBLY OF NORTH CAROLINA  
EXTRA SESSION 1983

CHAPTER 6  
HOUSE BILL 2

AN ACT TO CLARIFY CRIMINAL DISCOVERY OF ORAL STATEMENTS OF  
THE DEFENDANT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-903(a)(2) is rewritten to read:

"(2) To divulge, in written or recorded form, the substance of any oral statement relevant to the subject matter of the case made by the defendant, regardless of to whom the statement was made, within the possession, custody or control of the State, the existence of which is known to the prosecutor or becomes known to him prior to or during the course of trial; except that disclosure of such a statement is not required if it was made to an informant whose identity is a prosecution secret and who will not testify for the prosecution, and if the statement is not exculpatory. If the statement was made to a person other than a law enforcement officer and if the statement is then known to the State, the State must divulge the substance of the statement no later than 12 o'clock noon, on Wednesday prior to the beginning of the week during which the case is calendared for trial. If disclosure of the substance of defendant's oral statement to an informant whose identity is or was a prosecution secret is withheld, the informant must not testify for the prosecution at trial."

Sec. 2. G.S. 15A-908(a) is rewritten to read:

"(a) Upon written motion of a party and a finding of good cause, which may include, but is not limited to a finding that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment, the court may at any time order that discovery or inspection be denied, restricted, or deferred, or may make other appropriate orders."

Sec. 3. G.S. 15A-910 is amended by adding two new subdivisions to read:

"(3a) Declare a mistrial, or

(3b) Dismiss the charge, with or without prejudice, or".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of August, 1983.