

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 959

Short Title: Duty to Aid Endangered Victim.

(Public)

Sponsors: Representatives Stam; and Weatherly.

Referred to: Judiciary.

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE WITNESSES WHO KNOW OF CRIMES, INTENTIONAL ACTS, OR ACCIDENTS WHICH PLACE VICTIMS AT RISK OF BODILY INJURY TO NOTIFY LAW ENFORCEMENT AUTHORITIES OR OTHERWISE ACT TO PREVENT THE INJURY.

The General Assembly of North Carolina enacts:

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

“ARTICLE 43E.

“DUTY TO AID ENDANGERED VICTIM.

“§ 1-539.25. Duty to Aid Endangered Victim.

(a) As used in this section, ‘witnesses’ means to observe or know that an intentional act, accident, or crime is about to occur, is occurring, or has occurred.

(b) A person who witnesses an intentional act, accident, or crime and who perceives that the victim of the intentional act, accident, or crime may suffer or has suffered bodily injury as a result of the intentional act, accident or crime shall immediately notify law enforcement authorities, shall otherwise attempt to prevent the injury, and shall aid the victim unless doing so would place the witness in danger or would increase the danger to the victim. When the danger to the witness or the increased danger to the victim no longer exists, the duty to aid the victim shall rearise. There is no duty to notify law enforcement authorities if a person knows or reasonably believes that those authorities have already been notified.

(c) Liability. A person who fails to comply with subsection (b) shall be liable to the victim for damages proximately caused by his failure to comply; provided, however,

1 that such liability shall be limited in amount to five thousand dollars (\$5,000) per
2 occurrence per witness and such liability shall be secondary to the liability of any
3 person who is originally at fault for the accident, intentional conduct, or crime.
4 Liability imposed for failure to comply with this Article may not be covered by any
5 insurance policy.

6 (d) Immunity. A person who provides assistance in compliance with subsection
7 (b) is immune from civil or criminal liability arising from his conduct unless his acts
8 constitute willful or wanton misconduct as determined by the trier of fact based upon
9 clear, cogent, and convincing evidence, or unless he has received or expects to receive
10 remuneration."

11 Sec. 2. This act shall become effective October 1, 1990, and shall apply to
12 intentional acts, accidents, and crimes occurring on or after that date.