

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 358
Committee Substitute Favorable 5/5/93
Senate Judiciary II Committee Substitute Adopted 7/7/93

Short Title: Pros. Child Prot. Initiatives.

(Public)

Sponsors:

Referred to:

February 25, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE CHILD FATALITY
2 TASK FORCE TO ENCOURAGE PROSECUTORIAL CHILD PROTECTION
3 INITIATIVES AND TO MODIFY THE CONDITIONS FOR BAIL AND
4 PRETRIAL RELEASE FOR PERSONS ACCUSED OF SEX OFFENSES AND
5 CRIMES OF VIOLENCE AGAINST CHILD VICTIMS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. The Administrative Officer of the Courts shall encourage the
9 district attorney in each prosecutorial district to develop and disseminate information
10 about provisions for "child friendly" courtroom environments and preparation of child
11 witnesses and for the use of videotaped and closed circuit testimony in the courtroom.

12 Sec. 2. The North Carolina Conference of District Attorneys is encouraged to
13 determine interest in setting up a special section for child abuse prosecutors and to set
14 up such a section if it determines there is sufficient interest.

15 Sec. 3. The North Carolina Department of Justice and the North Carolina
16 Conference of District Attorneys are encouraged to develop protocols and training, as
17 follows:

- 18 (1) For law enforcement agencies, protocols for conducting child abuse
19 investigations;
20 (2) For district attorneys, protocols for criminal prosecution of child abuse
21 and neglect; and

1 (3) For local multidisciplinary child abuse and neglect criminal
2 investigation teams, protocols for operating policies and information
3 sharing.

4 Sec. 4. The North Carolina Department of Justice and the Administrative
5 Officer of the Courts are encouraged to develop and disseminate the following job
6 descriptions and working procedures:

7 (1) For law enforcement agencies, job descriptions, and work procedures
8 for law enforcement officers specializing in child abuse criminal
9 investigations; and

10 (2) For district attorneys, job descriptions, and work procedures for an
11 assistant district attorney who handles all child abuse and neglect
12 cases.

13 Sec. 5. Article 26 of Chapter 14 of the General Statutes is amended by
14 adding a new section to read:

15 "**§ 15A-534.4. Sex offenses and crimes of violence against child victims: bail and**
16 **pretrial release.**

17 In all cases in which the defendant is charged with felonious or misdemeanor child
18 abuse, with taking indecent liberties with a minor in violation of G.S.14-202.1, with
19 rape or any other sex offense in violation of Article 7A, Chapter 14 of the General
20 Statutes, against a minor victim, with incest with a minor in violation of G.S. 14-178,
21 with kidnapping, abduction, or felonious restraint involving a minor victim, with a
22 violation of G.S. 14-320.1, with assault or any other crime of violence against a minor
23 victim, or with communicating a threat against a minor victim, in addition to the
24 provisions of G.S. 15A-534 a judicial official may impose the following conditions on
25 pretrial release:

26 (1) That the defendant stay away from the home, temporary residence,
27 school, business, or place of employment of the alleged victim.

28 (2) That the defendant refrain from communicating or attempting to
29 communicate, directly or indirectly, with the victim, except under
30 circumstances specified in an order entered by a judge with knowledge
31 of the pending charges.

32 (3) That the defendant refrain from assaulting, beating, intimidating,
33 stalking, threatening, or harming the alleged victim.

34 The conditions set forth above may be imposed in addition to requiring that the
35 defendant execute a secured appearance bond."

36 Sec. 6. Nothing in this act obligates the General Assembly to appropriate any
37 funds to implement this act.

38 Sec. 7. Sections 1 through 4 and Section 6 of this act become effective July
39 1, 1993. Section 5 of this act becomes effective December 1, 1993, and applies to
40 defendants who commit offenses on or after that date.