

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 49

Short Title: D.A. Work Product Protection.

(Public)

Sponsors: Senator Rand.

Referred to: Judiciary I.

February 8, 1999

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE DISTRICT ATTORNEY'S WORK PRODUCT DURING
THE POSTCONVICTION PROCESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-1415(f) reads as rewritten:

"(f) In the case of a defendant who has been convicted of a capital offense and sentenced to death, the defendant's prior trial or appellate counsel shall make available to the capital defendant's counsel their complete files relating to the case of the defendant. The State, to the extent allowed by law, upon request shall make available to the capital defendant's counsel the complete files of all law enforcement and prosecutorial agencies involved in the investigation of the crimes committed or the prosecution of the defendant. If the State has a reasonable belief that allowing inspection of any portion of the files by counsel for the capital defendant would not be in the interest of justice, the State may submit for inspection by the court those portions of the files so identified. If upon examination of the files, the court finds that the files could not assist the capital defendant in investigating, preparing, or presenting a motion for appropriate relief, the court in its discretion may allow the State to withhold that portion of the files. This section does not require discovery, inspection, or production of the work product of the prosecutor, law enforcement officers, or other persons acting on behalf of the State, including, but not limited to, notes, memoranda, or other internal State documents made in connection with

1 the investigation of the crimes committed or the prosecution of the defendant. Nothing in
2 this section prohibits the State from making voluntary disclosures in the interest of
3 justice."

4 Section 2. This act is effective when it becomes law.