

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 3

Short Title: Exclusionary Rule/Good Faith Exception. (Public)

Sponsors: Representatives Stam, Ingle, and Faircloth (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

January 27, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO
3 THE EXCLUSIONARY RULE INTO STATE LAW.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-974 reads as rewritten:

6 "**§ 15A-974. Exclusion or suppression of unlawfully obtained evidence.**

7 Upon timely motion, evidence must be suppressed ~~if only~~ if its exclusion is required by the
8 Constitution of the United States or the Constitution of the State of North Carolina.

9 (1) ~~Its exclusion is required by the Constitution of the United States or the~~
10 ~~Constitution of the State of North Carolina; or~~

11 (2) ~~It is obtained as a result of a substantial violation of the provisions of this~~
12 ~~Chapter. In determining whether a violation is substantial, the court must~~
13 ~~consider all the circumstances, including:~~

14 a. ~~The importance of the particular interest violated;~~

15 b. ~~The extent of the deviation from lawful conduct;~~

16 c. ~~The extent to which the violation was willful;~~

17 d. ~~The extent to which exclusion will tend to deter future violations of~~
18 ~~this Chapter."~~

19 **SECTION 2.** The General Assembly respectfully requests that the North Carolina
20 Supreme Court reconsider, and overrule, its holding in State v. Carter that the good faith
21 exception to the exclusionary rule which exists under federal law does not apply under North
22 Carolina State law.

23 **SECTION 3.** This act is effective when it becomes law and applies to all hearings
24 or trials commencing on or after that date.

