

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 1130

Short Title: Broaden Open Discovery. (Public)

Sponsors: Senator Clodfelter.

Referred to: Judiciary I (Civil).

March 22, 2007

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE
3 COMPLETE FILES OF ALL LAW ENFORCEMENT AND PROSECUTORIAL
4 AGENCIES IN THE OPEN DISCOVERY PROCESS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-903(a)(1) reads as rewritten:

7 "(1) Make available to the defendant the complete files of all law
8 enforcement and prosecutorial agencies involved in the investigation
9 of the crimes committed or the prosecution of the defendant. The term
10 "file" includes the defendant's statements, the codefendants'
11 statements, witness statements, investigating officers' notes, results of
12 tests and examinations, or any other matter or evidence obtained
13 during the investigation of the offenses alleged to have been
14 committed by the defendant. The term "prosecutorial agency" includes
15 any public or private entity that obtains information on behalf of a law
16 enforcement agency or prosecutor in connection with the prosecution
17 of the defendant. Oral statements shall be in written or recorded form.
18 The defendant shall have the right to inspect and copy or photograph
19 any materials contained therein and, under appropriate safeguards, to
20 inspect, examine, and test any physical evidence or sample contained
21 therein."

22 **SECTION 2.** This act becomes effective October 1, 2007.