

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 564  
Committee Substitute Favorable 4/30/03

Short Title: Revise Exclusionary Rule. (Public)

Sponsors:

Referred to:

March 20, 2003

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE FOR A GOOD FAITH EXCEPTION TO THE  
EXCLUSIONARY RULE.

The General Assembly of North Carolina enacts:

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

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

Upon timely motion, evidence ~~must~~may be suppressed ~~if only~~ if its exclusion is required by the United States Constitution or the North Carolina Constitution. Notwithstanding the provisions of this section, evidence shall not be suppressed for any constitutional violation if the official who committed the violation was acting in the good faith belief that the violative conduct was legal.

- (1) ~~Its exclusion is required by the Constitution of the United States or the Constitution of the State of North Carolina; or~~
- (2) ~~It is obtained as a result of a substantial violation of the provisions of this Chapter. In determining whether a violation is substantial, the court must consider all the circumstances, including:~~
  - a. ~~The importance of the particular interest violated;~~
  - b. ~~The extent of the deviation from lawful conduct;~~
  - c. ~~The extent to which the violation was willful;~~
  - d. ~~The extent to which exclusion will tend to deter future violations of this Chapter."~~

**SECTION 2.** This act becomes effective December 1, 2003, and applies to all criminal trials pending or commencing on or after that date.

# House Bill 564

2003-2004 Session

## Revise Exclusionary Rule.

<a href="#">View Bill Digest</a>		<b>Status:</b>
<b>Text</b>	<b>Fiscal Note</b>	Re-ref Com On Rules, Calendar, and Operations of the House on 05/01/2003
<a href="#">Filed</a> [HTML]	-	<b>Sponsors</b>
<a href="#">Edition 1</a> [HTML]	-	<b>Primary:</b> Stam;
<a href="#">Edition 2</a> [HTML]	-	<b>Co:</b> N/A
		<b>Attributes:</b> Public; Text has changed;

### History

Date	Chamber	Action
03/19/2003	House	Filed
03/20/2003	House	Ref To Com On Judiciary II
04/30/2003	House	Reptd Fav Com Substitute
04/30/2003	House	Cal Pursuant Rule 36(b)
05/01/2003	House	Withdrawn From Cal
05/01/2003	House	Re-ref Com On Rules, Calendar, and Operations of the House