



NATIONAL CRIME VICTIM LAW INSTITUTE

Select Victims' Rights – North Carolina

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in North Carolina and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in North Carolina see the companion resource: *Law Enforcement-Based Victim Services in North Carolina: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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¹ This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.


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<p>SELECT DEFINITIONS</p>	<p>North Carolina Statutes</p>
<p>Fair Treatment for Certain Victims and Witnesses Definitions.</p> <p>The following definitions apply in this Article:</p> <p>(1) Crime.--A felony or serious misdemeanor as determined in the sole discretion of the district attorney, except those included in Article 46 of this Chapter, or an act by a juvenile as provided in Article 20A of Chapter 7B of the General Statutes.</p> <p>(2) Family member.--A spouse, child, parent, guardian, legal custodian, sibling, or grandparent of the victim. The term does not include the accused.</p> <p>(3) Victim.--A person against whom there is probable cause to believe a crime has been committed.</p> <p>(4) Witness.--A person who has been or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony, or who by reason of having relevant information is subject to being called or is likely to be called as a witness for the prosecution in such an action, whether or not an action or proceeding has been commenced.</p> <p> These definitions apply to the provisions of Article 45, Fair Treatment for Certain Victims and Witnesses, N.C. Gen. Stat. Ann. §§ 15A-824 through 15A-829. Many of these laws are included below in the section “Select Crime Victims’ Rights.”</p>	<p>N.C. Gen. Stat. Ann. § 15A-824.</p>
<p>Crime Victims’ Rights Act Definitions.</p> <p>The following definitions apply in this Article:</p>	<p>N.C. Gen. Stat. Ann. § 15A-830(a).</p>


<p>(1) Accused.--A person who has been arrested and charged with committing a crime covered by this Article.</p> <p>(2) Arresting law enforcement agency.--The law enforcement agency that makes the arrest of an accused.</p> <p>(2a) Court proceeding.--A critical stage of the post-arrest process heard by a judge in open court involving a plea that disposes of the case or the conviction, sentencing, or release of the accused, including the hearings described in G.S. 15A-837. The term does not include the preliminary proceedings described in Article 29 of Chapter 15A of the General Statutes. If it is known by law 30 and the district attorney's office that (i) the defendant and the victim have a personal relationship as defined in G.S. 50B-1(b) and (ii) the hearing may result in the defendant's release, efforts will be made to contact the victim.</p> <p>(3) Custodial agency.--The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, facilities designated under G.S. 122C-252 for the custody and treatment of involuntary clients, the Department of Adult Correction, or the Department of Public Safety.</p> <p>(3a) Family member.--A spouse, child, parent, guardian, legal custodian, sibling, or grandparent of the victim. The term does not include the accused.</p> <p>(3b) Felony property crime.--An act which constitutes a felony violation of one of the following:</p> <ul style="list-style-type: none"> a. Subchapter IV of Chapter 14 of the General Statutes. b. Subchapter V of Chapter 14 of the General Statutes. <p>(4) Investigating law enforcement agency.--The law enforcement agency with primary responsibility for investigating the crime committed against the victim.</p> <p>(5) Law enforcement agency.--An arresting law enforcement agency, a custodial agency, or an investigating law enforcement agency.</p>	
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<p>(6) Repealed by S.L. 2019-216, § 2, eff. Aug. 31, 2019.</p> <p>(6a) Offense against the person.--An offense against or involving the person of the victim which constitutes a violation of one of the following:</p> <ul style="list-style-type: none"> a. Subchapter III of Chapter 14 of the General Statutes. b. Subchapter VII of Chapter 14 of the General Statutes. c. Article 39 of Chapter 14 of the General Statutes. d. Chapter 20 of the General Statutes, if an element of the offense involves impairment of the defendant, or injury or death to the victim. e. A valid protective order under G.S. 50B-4.1, including, but not limited to, G.S. 14-134.3 and G.S. 14-269.8. f. Article 35 of Chapter 14 of the General Statutes, if the elements of the offense involve communicating a threat or stalking. g. An offense that triggers the enumerated victims' rights, as required by the North Carolina Constitution. <p>(7) Victim.--A person against whom there is probable cause to believe an offense against the person or a felony property crime has been committed.</p> <p> These definitions apply to the provisions of Article 46, Crime Victims' Rights Act, N.C. Gen. Stat. Ann. §§ 15A-830 through 15A-849. Many of these laws are included below in the section "Select Crime Victims' Rights."</p>	
<p>Domestic Violence Definitions.</p> <p>(a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:</p> <p>(1) Attempting to cause bodily injury, or intentionally causing bodily injury; or</p>	<p>N.C. Gen. Stat. Ann. § 50B-1.</p>


<p>(2) Placing the aggrieved party or a member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or</p> <p>(3) Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.</p> <p>(b) For purposes of this section, the term “personal relationship” means a relationship wherein the parties involved:</p> <p>(1) Are current or former spouses;</p> <p>(2) Are persons of opposite sex who live together or have lived together;</p> <p>(3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;</p> <p>(4) Have a child in common;</p> <p>(5) Are current or former household members;</p> <p>(6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.</p> <p>(c) As used in this Chapter, the term “protective order” includes any order entered pursuant to this Chapter upon hearing by the court or consent of the parties.</p> <p> Some of these definitions apply to the provisions of Chapter 50B, Domestic Violence, N.C. Gen. Stat. Ann. §§ 50B-1 through 50B-9. Many of these laws are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sex Offense Permanent Civil No-Contact Order Definitions.</p> <p>The following definitions apply in this Chapter:</p>	<p>N.C. Gen. Stat. Ann. § 50D-1.</p>

<p>(1) Human trafficking offense.—Any criminal offense under Article 10A of Chapter 14 of the General Statutes that is not a sex offense.</p> <p>(1a) Permanent civil no-contact order.--A permanent injunction that prohibits any contact by a respondent with the victim of a human trafficking offense or sex offense for which the respondent is convicted.</p> <p>(2) Respondent.--The person who committed the human trafficking offense or sex offense.</p> <p>(3) Sex offense.--Any criminal offense that requires registration under Article 27A of Chapter 14 of the General Statutes.</p> <p>(4) Victim.--The person against whom the human trafficking offense or sex offense was committed.</p> <p> These definitions apply to the provisions of Chapter 50D, Permanent Civil NO–Contact Order Against Human Traffickers and Sex Offenders, N.C. Gen. Stat. Ann. §§ 50D-1 through 50D-11. N.C. Gen. Stat. Ann. § 50D-2 is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Address Confidentiality Program Definitions.</p> <p>The following definitions apply in this Chapter:</p> <p>(1) Actual address or address.--A residential, work, or school street address as specified on the individual’s application to be a program participant under this Chapter.</p> <p>(2) Address Confidentiality Program or Program.--A program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, or stalking to prevent the victim’s assailants or potential assailants from finding the victim through public records.</p>	<p>N.C. Gen. Stat. Ann. § 15C-2.</p>



<p>(3) Agency of North Carolina or agency.--Includes every elected or appointed State or local public office, public officer, or official; institution, board, commission, bureau, council, department, authority, or other unit of government of the State or of any local government; or unit, special district, or other political subdivision of State or local government.</p> <p>(4) Application assistant.--An employee of an agency or nonprofit organization who provides counseling, referral, shelter, or other specialized services to victims of domestic violence, sexual offense, stalking, or human trafficking and who has been designated by the Attorney General to assist individuals with applications to participate in the Address Confidentiality Program.</p> <p>(5) Attorney General.--Office of the Attorney General.</p> <p>(6) Person.--Any individual, corporation, limited liability company, partnership, trust, estate, or other association or any state, the United States, or any subdivision thereof.</p> <p>(7) Program participant.--An individual accepted into the Address Confidentiality Program in accordance with this Chapter.</p> <p>(8) Public record.--A public record as defined in Chapter 132 of the General Statutes.</p> <p>(9) Substitute address.--An address designated by the Attorney General under the Address Confidentiality Program.</p> <p>(10) Victim of domestic violence.--An individual against whom domestic violence, as described in G.S. 50B-1, has been committed.</p> <p>(11) Victim of a sexual offense.--An individual against whom a sexual offense, as described in Article 7B of Chapter 14 of the General Statutes, has been committed.</p>	
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<p>(12) Victim of stalking.--An individual against whom stalking, as described in former G.S. 14-277.3 for acts occurring before December 1, 2008, or G.S. 14-277.3A for acts occurring on or after December 1, 2008, has been committed.</p> <p>(13) Victim of human trafficking.--An individual against whom human trafficking, as described in G.S. 14-43.11, has been committed.</p> <p> These definitions apply to the provisions of Chapter 15C, Address Confidentiality Program, N.C. Gen. Stat. Ann. §§ 15C-1 through 15C-13. Many of these laws are included below in the section "Select Crime Victims' Rights."</p>	
<p>Rape Crisis Center and Domestic Violence Program Employee/Agent-Victim Privilege Definitions.</p> <p>Definitions.--The following definitions apply in this section:</p> <p>(1) Agent.--An employee or agent of a center who has completed a minimum of 20 hours of training as required by the center, or a volunteer, under the direct supervision of a center supervisor, who has completed a minimum of 20 hours of training as required by the center.</p> <p>(2) Center.--A domestic violence program or rape crisis center.</p> <p>(3) Domestic violence program.--A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims.</p> <p>(4) Domestic violence victim.--Any person alleging domestic violence as defined by G.S. 50B-1, who consults an agent of a domestic violence program for the purpose of obtaining, for himself or herself, advice, counseling, or other services concerning mental, emotional, or physical injuries suffered as a result of the domestic violence. The term shall also include those persons who have a significant relationship with a victim of domestic violence and who have sought, for themselves, advice, counseling, or other services concerning a mental,</p>	<p>N.C. Gen. Stat. Ann. § 8-53.12(a).</p>





<p>physical, or emotional condition caused or reasonably believed to be caused by the domestic violence against the victim.</p> <p>(5) Rape crisis center.--Any publicly or privately funded agency, institution, organization, or facility that offers counseling and other services to victims of sexual assault and their families.</p> <p>(6) Services.--Includes, but is not limited to, crisis hotlines; safe homes and shelters; assessment and intake; children of violence services; individual counseling; support in medical, administrative, and judicial systems; transportation, relocation, and crisis intervention. The term does not include investigation of physical or sexual assault of children under the age of 16.</p> <p>(7) Sexual assault.--Any alleged violation of G.S. 14-27.21, 14-27.22, 14-27.24, 14-27.25, 14-27.26, 14-27.27, 14-27.29, 14-27.30, 14-27.31, 14-27.32, or 14-202.1, whether or not a civil or criminal action arises as a result of the alleged violation.</p> <p>(8) Sexual assault victim.--Any person alleging sexual assault, who consults an agent of a rape crisis center for the purpose of obtaining, for themselves, advice, counseling, or other services concerning mental, physical, or emotional injuries suffered as a result of sexual assault. The term shall also include those persons who have a significant relationship with a victim of sexual assault and who have sought, for themselves, advice, counseling, or other services concerning a mental, physical, or emotional condition caused or reasonably believed to be caused by sexual assault of a victim.</p> <p>(9) Victim.--A sexual assault victim or a domestic violence victim.</p> <p> These definitions apply to the Rape Crisis Center and Domestic Violence Employee/Agent-Victim Privilege, N.C. Gen. Stat. Ann. § 8-53.12(b)–(c). This privilege is included below in the section “Select Crime Victims’ Rights.”</p>	





<p>Public Records Requests: Criminal Investigations, Intelligence Information Records and Innocence Inquiry Commission Records Definitions.</p> <p>As used in this section:</p> <p>(1) “Records of criminal investigations” means all records or any information that pertains to a person or group of persons that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law, including information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements. The term also includes any records, worksheets, reports, or analyses prepared or conducted by the North Carolina State Crime Laboratory at the request of any public law enforcement agency in connection with a criminal investigation.</p> <p>(2) “Records of criminal intelligence information” means records or information that pertain to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law.</p> <p>(3) “Public law enforcement agency” means a municipal police department, a county police department, a sheriff’s office, a company police agency commissioned by the Attorney General pursuant to G.S. 74E-1, et seq., and any State or local agency, force, department, or unit responsible for investigating, preventing, or solving violations of the law.</p> <p>(4) “Violations of the law” means crimes and offenses that are prosecutable in the criminal courts in this State or the United States and infractions as defined in G.S. 14-3.1.</p> <p>(5) “Complaining witness” means an alleged victim or other person who reports a violation or apparent violation of the law to a public law enforcement agency.</p> <p> These definitions apply to the provision governing public records requests in the context of criminal investigations, intelligence information records and innocence inquiry commission records, N.C. Gen. Stat. Ann. § 8-53.12(a), (c)–(m). This provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>N.C. Gen. Stat. Ann. § 132-1.4(b).</p>
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<p>Law Enforcement Agency Recordings Definitions.</p> <p>Definitions.--The following definitions apply in this section:</p> <p>(1) Body-worn camera.--An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.</p> <p>(2) Custodial law enforcement agency.--The law enforcement agency that owns or leases or whose personnel operates the equipment that created the recording at the time the recording was made.</p> <p>(3) Dashboard camera.--A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.</p> <p>(4) Disclose or disclosure.--To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording.</p> <p>(5) Personal representative.--A parent, court-appointed guardian, spouse, or attorney licensed in North Carolina of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney licensed in North Carolina; or the parent or guardian of a surviving minor child of the deceased.</p>	<p>N.C. Gen. Stat. Ann. § 132-1.4A(a).</p>
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<p>(6) Recording.--A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. This term does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.</p> <p>(7) Release.--To provide a copy of a recording.</p> <p>(8) Serious bodily injury.--A bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.</p> <p> These definitions apply to the provision governing law enforcement agency recordings, N.C. Gen. Stat. Ann. § 132-1.4A(b)–(m). This provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>SELECT CRIME VICTIMS’ RIGHTS</p>	<p>North Carolina Constitutional Provisions and Statutes</p>
<p>Victims’ Right to Be Treated with Dignity and Respect.</p> <p>[Victims] shall be treated with dignity and respect by the criminal justice system.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(a) also affords victims the right to “be treated with dignity and respect by the criminal justice system.” This statutory provision is included below. N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration</p>	<p>N.C. Const. art. I, § 37(1).</p>


<p>of victims' constitutional rights. These definitions are included above in the section "Select Definitions."</p>	
<p>Victims' Right to Notice of Court Proceedings.</p> <p>[Victims have t]he right upon request to reasonable, accurate, and timely notice of court proceedings of the accused.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(1) also affords victims "[t]he right, upon request, to reasonable, accurate, and timely notice of court proceedings of the accused." This statutory provision is included below. N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims' constitutional rights. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>N.C. Const. art. I, § 37(1a)(a).</p>
<p>Victims' Right to Be Present at Court Proceedings.</p> <p>[Victims have t]he right upon request to be present at court proceedings of the accused.</p>	<p>N.C. Const. art. I, § 37(1a)(a1).</p>






<p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(2) also affords victims “[t]he right, upon request, to be present at court proceedings of the accused.” This statutory provision is included below. N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Be Heard at Any Court Proceeding Involving Plea, Conviction, Adjudication, Sentencing or Release.</p> <p>[Victims have t]he right to be reasonably heard at any court proceeding involving the plea, conviction, adjudication, sentencing, or release of the accused.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(3) also provides for the right of victims “to be reasonably heard at court proceedings involving a plea that disposes of the case or the conviction, sentencing, or release of the accused.” N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p> <p> N.C. Gen. Stat. Ann. § 15A-833 also affords victims the right to give impact evidence at sentencing. This statutory provision is included below.</p>	<p>N.C. Const. art. I, § 37(1a)(b).</p>
<p>Victims’ Right to Restitution.</p>	<p>N.C. Const. art. I, § 37(1a)(c).</p>






<p>[Victims have t]he right to receive restitution in a reasonably timely manner, when ordered by the court.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(4) also affords victims “[t]he right to receive restitution in a reasonably timely manner, when ordered by the court.” N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p> <p> N.C. Gen. Stat. Ann. § 15A-834 also provides victims the right to restitution as ordered by the court, pursuant to Article 81C of Chapter 15A. Some of these provisions are included below.</p> <p> A promising practice is to inform victims that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Information About the Crime, How the Criminal Justice System Works, Crime Victims’ Rights and Available Services.</p> <p>[Victims have t]he right to be given information about the crime or act of delinquency, how the criminal justice system works, the rights of victims, and the availability of services for victims.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(5) also affords victims “[t]he right to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.” N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p>	<p>N.C. Const. art. I, § 37(1a)(d).</p>





<p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims' Right to Information About the Conviction, Adjudication or Final Disposition and Sentence.</p> <p>[Victims have t]he right upon request to receive information about the conviction, adjudication, or final disposition and sentence of the accused.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(6) also affords victims “[t]he right, upon request, to receive information about the conviction or final disposition and sentence of the accused.” N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>N.C. Const. art. I, § 37(1a)(e).</p>
<p>Victims' Right to Notification of Escape; Release; Proposed Parole or Pardon; or Reprive or Commutation of Sentence.</p>	<p>N.C. Const. art. I, § 37(1a)(f).</p>




<p>[Victims have t]he right upon request to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused’s sentence.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(7) also affords victims “[t]he right, upon request, to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused’s sentence.” N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A defendant’s escape, release, parole, pardon or other related developments may take place long after the victim’s initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Present Views and Concerns to Governor or Agency Prior to Release.</p> <p>[Victims have t]he right to present the victim’s views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(8) also affords victims “[t]he right to present the victim’s views and concerns in writing to the Governor or agency considering any action</p>	<p>N.C. Const. art. I, § 37(1a)(g).</p>





<p>that could result in the release of the accused, prior to such action becoming effective.” N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Confer with the Prosecution.</p> <p>[Victims have t]he right to reasonably confer with the prosecution.</p> <p> N.C. Gen. Stat. Ann. § 15A-830.5(b)(9) also affords victims “The right to reasonably confer with the district attorney’s office.” N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms for this codified enumeration of victims’ constitutional rights. These definitions are included above in the section “Select Definitions.”</p>	<p>N.C. Const. art. I, § 37(1a)(h).</p>
<p>Victims’ Right to Assert Constitutional Rights; Victims’ Representatives; Victims’ Right to Counsel; Opportunity for District Attorney to Resolve Issue of Noncompliance.</p> <p>Except as otherwise provided herein, the General Assembly shall further provide, by general law, the procedure whereby a victim may assert the rights provided in this section. The victim or, if the victim is a minor, is legally incapacitated, or deceased, a family member, guardian, or legal custodian may assert the rights provided in this section. The procedure shall be by motion to the court of jurisdiction within the same criminal or juvenile proceeding giving rise to the rights. The victim, family member, guardian, or legal custodian have the right to counsel at this hearing but do not have the right to counsel provided by the State. If the matter involves an allegation that the district attorney failed to comply with the rights of a victim when obligated to so do by law, the victim must first afford the district attorney with jurisdiction over the criminal action an opportunity to resolve any issue in a timely manner.</p>	<p>N.C. Const. art. I, § 37(1b).</p>


<p> N.C. Gen. Stat. Ann. § 15A-830(b) and N.C. Gen. Stat. Ann. § 15A-834.5 also afford victims standing to enforce victims' rights.</p> <p> A promising practice is to notify victims that they have standing to enforce their rights in court and that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Victims' Right to Be Treated with Dignity and Respect.</p> <p>[Victims have the right to] be treated with dignity and respect by the criminal justice system.</p> <p> N.C. Const. art. I, § 37(1) also affords victims the right to “be treated with dignity and respect by the criminal justice system.” This constitutional provision is included above.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(a).</p>
<p>Victims' Right to Notice of Court Proceedings.</p> <p>[Victims have t]he right, upon request, to reasonable, accurate, and timely notice of court proceedings of the accused.</p> <p> N.C. Const. art. I, § 37(1a)(a) also affords victims “[t]he right upon request to reasonable, accurate, and timely notice of court proceedings of the accused.” This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(1).</p>

<p>type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims' Right to Be Present at Court Proceedings.</p> <p>[Victims have t]he right, upon request, to be present at court proceedings of the accused.</p> <p> N.C. Const. art. I, § 37(1a)(a1) also affords victims “[t]he right upon request to be present at court proceedings of the accused.” This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(2).</p>
<p>Victims' Right to Be Heard at Any Court Proceeding Involving a Dispositive Plea, the Conviction, Sentencing or Release.</p> <p> N.C. Const. art. I, § 37(1a)(b) also provides for the right of victims “to be reasonably heard at any court proceeding involving the plea, conviction, adjudication, sentencing, or release of the accused.” This constitutional provision is included above.</p> <p> N.C. Gen. Stat. Ann. § 15A-833 also affords victims the right to give impact evidence at sentencing. This statutory provision is included below.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(3).</p>

<p>Victims' Right to Restitution.</p> <p>[Victims have t]he right to receive restitution in a reasonably timely manner, when ordered by the court.</p> <p> N.C. Const. art. I, § 37(1a)(c) also affords victims “[t]he right to receive restitution in a reasonably timely manner, when ordered by the court.” This constitutional provision is included above.</p> <p> N.C. Gen. Stat. Ann. § 15A-834 also provides victims the right to restitution as ordered by the court, pursuant to Article 81C of Chapter 15A. Some of these provisions are included below.</p> <p> A promising practice is to inform victims that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(4).</p>
<p>Victims' Right to Information About the Crime, How the Criminal Justice System Works, Crime Victims' Rights and Available Services.</p> <p>[Victims have t]he right to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.</p> <p> N.C. Const. art. I, § 37(1a)(d) also affords victims “[t]he right to be given information about the crime or act of delinquency, how the criminal justice system works, the rights of</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(5).</p>

<p>victims, and the availability of services for victims.” This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Right to Information About the Conviction or Final Disposition and Sentence.</p> <p>[Victims have t]he right, upon request, to receive information about the conviction or final disposition and sentence of the accused.</p> <p> N.C. Const. art. I, § 37(1a)(e) also affords victims “[t]he right upon request to receive information about the conviction, adjudication, or final disposition and sentence of the accused.” This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(6).</p>
<p>Victims’ Right to Notification of Escape; Release; Proposed Parole or Pardon; or Reprieve or Commutation of Sentence.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(7).</p>

<p>[Victims have t]he right, upon request, to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused’s sentence.</p> <p> N.C. Const. art. I, § 37(1a)(f) also affords victims “[t]he right upon request to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused’s sentence.” This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A defendant’s escape, release, parole, pardon or other related developments may take place long after the victim’s initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Present Views and Concerns to Governor or Agency Prior to Release.</p> <p>[Victims have t]he right to present the victim’s views and concerns in writing to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.</p> <p> N.C. Const. art. I, § 37(1a)(g) also affords victims “[t]he right to present the victim’s views and concerns to the Governor or agency considering any action that could result in the</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(8).</p>

<p>release of the accused, prior to such action becoming effective.” This constitutional provision is included above.</p>	
<p>Victims’ Right to Confer with the Prosecution.</p> <p>[Victims have t]he right to reasonably confer with the district attorney’s office.</p> <p> N.C. Const. art. I, § 37(1a)(h) also affords victims “[t]he right to reasonably confer with the prosecution.” This constitutional provision is included above.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830.5(b)(9).</p>
<p>Duty of Law Enforcement Agencies, the Prosecutorial System, the Judicial System and the Correctional System to Make a Reasonable Effort to Afford Victims’ Certain Rights.</p> <p>To the extent reasonably possible and subject to available resources, the employees of law enforcement agencies, the prosecutorial system, the judicial system, and the correctional system should make a reasonable effort to assure that each victim and witness within their jurisdiction:</p> <p>(1) Is provided information regarding immediate medical assistance when needed and is not detained for an unreasonable length of time before having such assistance administered.</p> <p>(2) Is provided information about available protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and receives such protection.</p> <p>(2a) Is provided information that testimony as to one’s home address is not relevant in every case, and that the victim or witness may request the district attorney to object to that line of questioning when appropriate.</p>	<p>N.C. Gen. Stat. Ann. § 15A-825(a).</p>

<p>(3) Has any stolen or other personal property expeditiously returned by law enforcement agencies when it is no longer needed as evidence, and the property's return would not impede an investigation or prosecution of the case. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property whose ownership is disputed, should be photographed and returned to the owner within a reasonable period of time of being recovered by law enforcement officials.</p> <p>(4) Is provided appropriate employer intercession services to seek the employer's cooperation with the criminal justice system and minimize the employee's loss of pay and other benefits resulting from such cooperation whenever possible.</p> <p>(5) Is provided, whenever practical, a secure waiting area during court proceedings that does not place the victim or witness in close proximity to defendants and families or friends of defendants.</p> <p>(6) Is informed of the procedures to be followed to apply for and receive any appropriate witness fees or victim compensation.</p> <p>(6a) Is informed of the right to be present throughout the entire trial of the defendant, subject to the right of the court to sequester witnesses.</p> <p>(7) Is given the opportunity to be present during the final disposition of the case or is informed of the final disposition of the case, if the victim or witness has requested to be present or be informed.</p> <p>(8) Is notified, whenever possible, that a court proceeding to which the victim or witness has been subpoenaed will not occur as scheduled.</p> <p>(9) Is given the opportunity to prepare a victim impact statement for consideration by the court.</p>	
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(9a) Prior to trial, is provided information about plea bargaining procedures and is informed that the district attorney may recommend a plea bargain to the court.

(10) Is informed that civil remedies may be available and that statutes of limitation apply in civil cases.

(11) Upon the victim's written request, is notified before a proceeding is held at which the release of the offender from custody is considered, if the crime for which the offender was placed in custody is a Class G or more serious felony.

(12) Upon the victim's written request, is notified if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a Class G or more serious felony.

(13) Has family members of a homicide victim offered all the guarantees in this section, except those in subdivision (1).



These rights and duties are further reflected in various provisions of North Carolina's Crime Victims' Right Act, §§ 15A-830 through 15A-849, as well as other statutory and constitutional victims' rights provisions. Many of these provisions are included above and below.



N.C. Gen. Stat. Ann. § 15A-826 provides that district attorney legal assistants are responsible for coordinating efforts within law-enforcement and the judicial system to assure that victims are treated in accordance with this provision. This statutory provision is included below.



A victim's right to be present should provide for the victim's presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim cannot hear the testimony of other witnesses, consider discussing with the

prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.



A promising practice is to have a policy in place to establish what constitutes "reasonable effort."



A promising practice is to have a policy and procedure determining who is responsible for providing victims with information regarding their rights and when. If the timing of notice is not otherwise specified, consideration should be given to providing such information at or promptly after the victims' initial contact with law enforcement. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.






It is a promising practice to have a policy and procedure in place that clearly defines what "expeditiously" means in the context of the victim's right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.






If the accused files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.

<p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p> <p> Although the secure waiting area provision relates to court proceedings, the same concept can and should be extended to law enforcement interactions with victims, victims’ families, and victims’ witnesses outside of court proceedings.</p>	
<p>Duty of District Attorney Legal Assistants to Coordinate Efforts Within the Law Enforcement and Judicial Systems to Ensure Victims Are Accorded Their Rights.</p> <p>In addition to providing administrative and legal support to the district attorney’s office, district attorney legal assistants are responsible for coordinating efforts within the law-enforcement and judicial systems to assure that each victim and witness is treated in accordance with this Article.</p>	<p>N.C. Gen. Stat. Ann. § 15A-826.</p>

<p>Victims' Standing to Enforce Rights; Victims' Representatives.</p> <p>(b) If the victim is a minor or is legally incapacitated, a parent, guardian, or legal custodian may assert the victim's rights under this Article. The accused may not assert the victim's rights. If the victim is deceased, then a family member, in the order set forth in the definition contained in this section, may assert the victim's rights under this Article, with the following limitations:</p> <p>(1) The guardian or legal custodian of a deceased minor has priority over a family member.</p> <p>(2) The right contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's estate.</p> <p>(c) An individual entitled to exercise the victim's rights as the appropriate family member in accordance with this section may designate any family member to act on behalf of the victim.</p> <p>(d) An individual who, in the determination of the district attorney, would not act in the best interests of the victim shall not be entitled to assert or exercise the victim's rights. An individual may petition the court to review this determination by the district attorney.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> N.C. Const. art. I, § 37(1b) and N.C. Gen. Stat. Ann. § 15A-834.5 also afford victims standing to assert their rights. These provisions are included above and below.</p> <p> A promising practice is to notify victims that they have standing to enforce their rights in court and that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	<p>N.C. Gen. Stat. Ann. § 15A-830(b)–(d).</p>
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<p>Duties and Responsibilities of Law Enforcement Agencies Towards Victims: Victims' Rights to Information and Notice; Victims' Duty to Keep Contact Information Current.</p> <p>(a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with at least the following information in writing, on a form created by the Conference of District Attorneys:</p> <ol style="list-style-type: none">(1) The availability of medical services, if needed.(2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds.(3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.(4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.(5) Information about an accused's opportunity for pretrial release.(6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.(7) The informational sheet described in G.S. 50B-3(c1), if there was a personal relationship, as defined in G.S. 50B-1(b), with the accused.(8) A list of each right enumerated under G.S. 15A-830.5(b).(9) Information about any other rights afforded to victims by law. <p>(b) Within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. Following receipt of this information, the investigating law enforcement agency shall notify the victim of the arrest within an additional 72 hours.</p>	<p>N.C. Gen. Stat. Ann. § 15A-831.</p>
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(c) Within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall also forward to the district attorney's office that will be responsible for prosecuting the case the defendant's name and the victim's name, address, and telephone number or other contact information, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

(d) Upon receiving the information in subsection (a) of this section, the victim shall, on a form created by the Conference of District Attorneys and provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency on the status of the accused during the pretrial process. If the victim elects to receive further notices during the pretrial process, the victim shall return the form to the investigating law enforcement agency within 10 business days of receipt of the form. The victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.



(e) Upon receiving a form from the victim pursuant to subsection (d) of this section, the investigating law enforcement agency shall promptly share the form with the district attorney's office to facilitate compliance with the victim's preferences on notification.





N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."





A promising practice is to have a policy and procedure determining who is responsible for providing victims with information regarding their rights and when. If the timing of notice is not otherwise specified, consideration should be given to providing such information at or promptly after the victims' initial contact with law enforcement. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.

<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must request the exercise of certain notification rights by filling out a notification form. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Certain Information Not Subject to Disclosure by the State.</p> <p>(a) The State is not required to disclose written materials drafted by the prosecuting attorney or the prosecuting attorney's legal staff for their own use at trial, including witness examinations, voir dire questions, opening statements, and closing arguments. Disclosure is also not required of legal research or of records, correspondence, reports, memoranda, or trial preparation interview notes prepared by the prosecuting attorney or by members of the prosecuting attorney's legal staff to the extent they contain the opinions, theories, strategies, or conclusions of the prosecuting attorney or the prosecuting attorney's legal staff.</p> <p>(a1) The State is not required to disclose the identity of a confidential informant unless the disclosure is otherwise required by law.</p> <p>(a2) The State is not required to provide any personal identifying information of a witness beyond that witness's name, address, date of birth, and published phone number, unless the court determines upon motion of the defendant that such additional information is necessary to accurately identify and locate the witness.</p> <p>(a3) The State is not required to disclose the identity of any individual providing information about a crime or criminal conduct to a Crime Stoppers organization under promise or</p>	<p>N.C. Gen. Stat. Ann. § 15A-904.</p>

<p>assurance of anonymity unless ordered by the court. For purposes of this Article, a Crime Stoppers organization or similarly named entity means a private, nonprofit North Carolina corporation governed by a civilian volunteer board of directors that is operated on a local or statewide level that (i) offers anonymity to persons providing information to the organization, (ii) accepts and expends donations for cash rewards to persons who report to the organization information about alleged criminal activity and that the organization forwards to the appropriate law enforcement agency, and (iii) is established as a cooperative alliance between the news media, the community, and law enforcement officials.</p> <p>(a4) The State is not required to disclose the Victim Impact Statement or its contents unless otherwise required by law. For purposes of this Chapter, a Victim Impact Statement is a document submitted by the victim or the victim’s family to the State pursuant to the Victims’ Rights Amendment.</p> <p>(b) Nothing in this section prohibits the State from making voluntary disclosures in the interest of justice nor prohibits a court from finding that the protections of this section have been waived.</p> <p>(c) This section shall have no effect on the State’s duty to comply with federal or State constitutional disclosure requirements.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victim information subject to nondisclosure is redacted when law enforcement compiles or reports victim information.</p>	
<p>Regulation of Discovery--Protective Orders.</p> <p>Upon written motion of a party and a finding of good cause, which may include, but is not limited to a finding that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment, the court may at any time order that discovery or inspection be denied, restricted, or deferred,</p>	<p>N.C. Gen. Stat. Ann. § 15A-908(a).</p>

<p>or may make other appropriate orders. A party may apply ex parte for a protective order and, if an ex parte order is granted, the opposing party shall receive notice that the order was entered, but without disclosure of the subject matter of the order.</p> <p> A promising practice is to notify victims that they have standing to enforce their rights in court and that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Sexual Assault Victims' Right Not to Be Subjected to a Polygraph Examination as a Precondition to Investigating.</p> <p>(a) A criminal or juvenile justice agency shall not require a person claiming to be a victim of sexual assault or claiming to be a witness regarding the sexual assault of another person to submit to a polygraph or similar examination as a precondition to the agency conducting an investigation into the matter.</p> <p>(b) An agency wishing to perform a polygraph examination of a person claiming to be a victim or witness of sexual assault shall inform the person of the following:</p> <ol style="list-style-type: none"> (1) That taking the polygraph examination is voluntary. (2) That the results of the examination are not admissible in court. (3) That the person's decision to submit to or refuse a polygraph examination will not be the sole basis for a decision by the agency not to investigate the matter. <p>(c) An agency which declines to investigate an alleged case of sexual assault following a decision by a person claiming to be a victim not to submit to a polygraph examination shall provide to that person, in writing, the reasons why the agency did not pursue the investigation at the request of the person.</p>	<p>N.C. Gen. Stat. Ann. § 15A-831.1.</p>

<p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that they cannot require victims to submit to a polygraph examination or other truth-telling examinations or devices as a part or a condition of proceeding with the investigation.</p>	
<p>Duties and Responsibilities of District Attorney’s Office Toward Victims: Victims’ Rights to Information and Notice; Victims’ Duty to Keep Contact Information Current.</p> <p>(a) Within 21 days after the arrest of the accused, but not less than 24 hours before the accused’s first scheduled probable-cause hearing, the district attorney’s office shall provide to the victim a pamphlet or other written material that explains in a clear and concise manner the following:</p> <ol style="list-style-type: none"> (1) The victim’s rights under this Article, including the right to reasonably confer with the district attorney’s office about the disposition of the case and the right to provide a victim impact statement. (2) The responsibilities of the district attorney’s office under this Article. (3) The victim’s eligibility for compensation under the Crime Victims Compensation Act and the deadlines by which the victim must file a claim for compensation. (4) The steps generally taken by the district attorney’s office when prosecuting a crime. (5) Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused’s behalf. (6) The name and telephone number of a victim and witness assistant in the district attorney’s office whom the victim may contact for further information. <p>(b) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the district attorney’s office, indicate whether the victim wishes to receive</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(a)–(b).</p>

notices of some, all, or none of the trial and posttrial proceedings involving the accused. If the victim elects to receive notices, the victim shall be responsible for notifying the district attorney's office or any other department or agency that has a responsibility under this Article of any changes in the victim's address and telephone number or other contact information. The victim may alter the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office.



N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



A promising practice is to let victims know, upon first contact, of their obligation to keep their contact information current.






A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.









A promising practice is to have a policy and procedure determining who is responsible for providing victims notice of their rights and when. If the timing of notice is not otherwise specified, consideration should be given to providing written notice at or promptly after the victims' initial contact with law enforcement. The notice should be provided in the primary language of the victim when possible, as well as in a form accessible to those with vision impairment.








A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must request the exercise of certain notification rights by filling out a notification form. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.



<p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p>Duties and Responsibilities of District Attorney's Office Toward Victims: Victims' Rights to Notice of Proceedings Per Victims' Request.</p> <p>The district attorney's office shall notify a victim of the date, time, and place of all court proceedings of the type that the victim has elected to receive notice, except as provided in G.S. 15A-835(b)(2) and G.S. 15A-837(a)(2). All notices required to be given by the district attorney's office shall be reasonable, accurate, and timely. The notices shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the court proceeding. The district attorney's office may provide the required notification electronically or by telephone, unless the victim requests otherwise. The notifications required by this section shall be documented by the district attorney's office.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded,</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(c).</p>

<p>throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Duties and Responsibilities of District Attorney’s Office Toward Victims: Secure Waiting Area.</p> <p>Whenever practical, the district attorney’s office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant’s family.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Although this provision is directed at district attorney’s offices, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims’ families, and victims’ witnesses.</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(d).</p>
<p>Duties and Responsibilities of District Attorney’s Office Toward Victims: Victims’ Right to Confer with the Prosecution.</p> <p>The district attorney’s office shall offer the victim the opportunity to reasonably confer with an attorney from the district attorney’s office to obtain the views of the victim about, at a minimum, dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(f).</p>

<p> N.C. Const. art. I, § 37(1a)(h) and N.C. Gen. Stat. Ann. § 15A-830.5(b)(9) also afford victims the right to reasonably confer with the prosecution. These provisions are included above.</p>	
<p>Duties and Responsibilities of District Attorney’s Office Toward Victims: Confidentiality of Victims’ Identifying Information on Notice Form.</p> <p>At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the information set forth in <u>G.S. 15A-831(c)</u> and <u>subsection (b)</u> of this section, including the victim’s election to receive further notices under this Article. The clerk of superior court shall include the form with the final judgment and commitment, or judgment suspending sentence, transmitted to the Department of Public Safety, the Department of Adult Correction, or other agency receiving custody of the defendant. The clerk and custodial agency shall maintain the form as a confidential record.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(g).</p>
<p>Duties and Responsibilities of District Attorney’s Office Toward Victims: Rights of Human Trafficking Victims Regarding Public Benefits and Services; Notice to the Office of the Attorney General and Legal Aid.</p> <p>When a person is a victim of a human trafficking offense and is entitled to benefits and services pursuant to G.S. 14-43.11(d), the district attorney’s office shall so notify the Office of the Attorney General and Legal Aid of North Carolina, Inc., in addition to providing services under this Article.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(h).</p>

<p> Under N.C. Gen. Stat. Ann. § 14-43.11(d), “[a] person who is not a legal resident of North Carolina, and would consequently be ineligible for State public benefits or services, shall be eligible for the public benefits and services of any State agency if the person is otherwise eligible for the public benefit and is a victim of an offense charged under this section. Eligibility for public benefits and services shall terminate at such time as the victim’s eligibility to remain in the United States is terminated under federal law.” This statutory provision is not included in this document.</p>	
<p>Duties and Responsibilities of District Attorney’s Office Toward Victims: Nondisclosure of Victims’ Personal Information.</p> <p>The district attorney’s office shall make every effort to ensure that a victim’s personal information is not disclosed unless otherwise required by law. The district attorney’s office shall inform the victim that personal information such as the victim’s telephone number, home address, and bank account number are not relevant in every case and that the victim may request the district attorney to object to that line of questioning when appropriate.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims’ locating and identifying information (<i>e.g.</i>, dates of birth, social security numbers, official state or government issued driver licenses, official</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(i).</p>

<p>state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name and location of employment) is redacted when law enforcement compiles or reports victim information.</p>	
<p>Duties and Responsibilities of District Attorney’s Office Toward Victims: Rights Extend to Victims of Acts of Delinquency When Matter Transferred to Criminal Court.</p> <p>The responsibilities of the district attorney’s office extend to a victim of an act of delinquency if the juvenile’s case is transferred to criminal court.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>N.C. Gen. Stat. Ann. § 15A-832(j).</p>
<p>Duties and Responsibilities of Judicial Officials: Issuing Pleadings and Warrants in Misdemeanor Cases Based on Victims’ Testimony or Evidence; Victims’ Right to Be Heard; Motions Alleging Rights Violations; Secure Waiting Area.</p> <p>(a) In issuing a pleading as provided in G.S. 15A-921, for any misdemeanor offense against the person based on testimony or evidence from a complaining witness rather than from a law enforcement officer, a judicial official shall record the defendant’s name and the victim’s name, address, and telephone number electronically or on a form separate from the pleading and developed by the Administrative Office of the Courts for the purpose of recording that information, unless the victim refuses to disclose any or all of the information, in which case the judicial official shall so indicate.</p> <p>(b) A judicial official issuing a pleading for any misdemeanor offense against the person based on testimony or evidence from a complaining witness rather than from a law enforcement officer shall deliver the court’s copy of the warrant and the victim-identifying information to the office of the clerk of superior court by the close of the next business day.</p>	<p>N.C. Gen. Stat. Ann. § 15A-832.1.</p>

<p>Within 72 hours, the office of the clerk of superior court shall forward to the district attorney's office a copy of the victim-identifying information set forth in subsection (a) of this section. The clerk shall maintain the clerk's copy of the form as a confidential record.</p> <p>(c) The judge, in any court proceeding subject to this Article, shall inquire as to whether the victim is present and wishes to be heard. If the victim is present and wishes to be heard, the court shall grant the victim an opportunity to be reasonably heard. The right to be reasonably heard may be exercised, at the victim's discretion, through an oral statement, submission of a written statement, or submission of an audio or video statement.</p> <p>(d) A judge notified by the clerk of court that a victim has filed a motion alleging a violation of the rights provided in this Article shall review the motion. The judge involved in the criminal proceeding that gave rise to the rights in question may, on the judge's own motion, recuse himself or herself if justice requires it and report the recusal to the Administrative Office of the Courts. The judge, or a judge appointed by the Administrative Office of the Courts in the event of recusal, shall dispose of the motion or set the motion for hearing as required by G.S. 15A-834.5.</p> <p>(e) The court shall make every effort to provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Although subsection (e) is directed at courts, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims' families, and victims' witnesses.</p>	
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Victims' Right to Offer Victim Impact Evidence to Be Considered by the Court or Jury in Sentencing Defendant.

N.C. Gen. Stat. Ann. § 15A-833.

(a) A victim has the right to offer admissible evidence of the impact of the crime, which shall be considered by the court or jury in sentencing the defendant. The evidence may include the following:

- (1) A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant.
- (2) An explanation of any economic or property loss suffered by the victim as a result of the offense committed by the defendant.
- (3) A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims Compensation Act.

(b) No victim shall be required to offer evidence of the impact of the crime. No inference or conclusion shall be drawn from a victim's decision not to offer evidence of the impact of the crime. At the victim's request and with the consent of the defendant, a representative of the district attorney's office or a law enforcement officer may proffer evidence of the impact of the crime to the court.







N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."




N.C. Const. art. I, § 37(1a)(b) and N.C. Gen. Stat. Ann. § 15A-830.5(b)(3) also afford victims the right to be heard at sentencing. These provisions are included above.



A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement

<p>using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p> A promising practice is to inform victims that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution.</p> <p>A victim has the right to receive restitution as ordered by the court pursuant to Article 81C of Chapter 15A of the General Statutes.</p> <p> N.C. Gen. Stat. Ann. § 15A-830(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> N.C. Const. art. I, § 37(1a)(c) and N.C. Gen. Stat. Ann. § 15A-830.5(b)(4) provide victims with the right to receive restitution in a reasonably timely manner, when ordered by the court. For additional information on restitution, <i>see generally</i> N.C. Gen Stat. Ann. §§ 15A-1340.34 through 15A-1340.39. Some of these provisions are included above and below.</p>	<p>N.C. Gen. Stat. Ann. § 15A-834.</p>

 <p>A promising practice is to inform victims that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Assert and Enforce Rights: Standing; Motions; Written Complaints; Victims’ Right to Counsel; Forms for Rights Violations; Writs of Mandamus.</p> <p>(a) A victim may assert the rights provided in this Article pursuant to Section 37 of Article I of the North Carolina Constitution. In no event shall any underlying proceeding be subject to undue delay for the enforcement provided in this section. The procedure by which a victim may assert the rights provided under this Article shall be by motion to the court of jurisdiction. For the purposes of this section, the term “victim” includes the following individuals acting on behalf of the victim:</p> <ol style="list-style-type: none"> (1) The victim’s attorney. (2) The prosecutor, at the request of the victim. (3) A parent, guardian, or legal custodian, if the victim is a minor or is legally incapacitated, as provided in G.S. 15A-830. (4) A family member, if the victim is deceased, as provided in G.S. 15A-830. <p>(b) A victim may allege a violation of the rights provided in this Article by filing a motion with the office of the clerk of superior court. The motion must be filed within the same criminal proceeding giving rise to the rights in question.</p> <p>(c) If the motion involves an allegation that the district attorney failed to comply with the rights of a victim provided by this Article, the victim must first file a written complaint with the district attorney’s office, to afford the district attorney’s office an opportunity to resolve the issue stated in the written complaint in a timely manner.</p> <p>(d) If the motion involves an allegation that a law enforcement agency failed to comply with the rights of a victim provided by this Article, the victim must first file a written complaint</p>	<p>N.C. Gen. Stat. Ann. § 15A-834.5.</p>



with that agency, to afford the agency an opportunity to resolve the issue stated in the written complaint in a timely manner.

(e) A victim has the right to consult with an attorney regarding an alleged violation of the rights provided in this Article, but the victim does not have the right to counsel provided by the State.



(f) The Administrative Office of the Courts shall create a form to serve as the motion and enable a victim to allege a violation of the rights provided in this Article. The form will indicate what specific right has allegedly been violated. The form will also provide the victim the opportunity to describe the substance of the alleged violation in detail. If the motion involves an allegation that the district attorney failed to comply with the rights of a victim provided in this Article, the victim must attach a copy of the written complaint that was previously filed with the district attorney as required by subsection (c) of this section. If the motion involves an allegation that a law enforcement agency failed to comply with the rights of a victim provided in this Article, the victim must attach a copy of the written complaint that was previously filed with that law enforcement agency as required by subsection (d) of this section.



(g) The clerk of superior court of each county shall provide the form created by the Administrative Office of the Courts to enable a victim to allege a violation of the rights provided in this Article. No fees shall be assessed for the filing of this motion. A copy of the motion required in subsection (b) of this section shall be given to the prosecutor if other than the elected District Attorney, the elected District Attorney, and the judge involved in the criminal proceeding that gave rise to the rights in question. If the motion involves an allegation that a law enforcement agency failed to comply with the rights of a victim provided by this Article, a copy of the motion required in subsection (b) of this section shall also be provided to the head of the law enforcement agency referenced in the motion.



(h) The judge shall review the motion and dispose of it or set it for hearing in a timely manner. Review may include conferring with the victim, the prosecutor if other than the District Attorney, and the District Attorney in order to inquire as to compliance with this



<p>Article. If the motion involves an allegation that a law enforcement agency failed to comply with the rights of a victim provided by this Article, the judge may confer with the head of that law enforcement agency as part of the review. At the conclusion of the review, the judge shall dispose of the motion or set the motion for hearing.</p> <p>(i) If the judge fails to review the motion and dispose of it or set it for hearing in a timely manner, a victim may petition the North Carolina Court of Appeals for a writ of mandamus. The petition shall be filed without unreasonable delay. The court for good cause shown may shorten the time for filing a response.</p> <p>(j) The failure or inability of any person to provide a right or service under this Article, including a service provided through the Statewide Automated Victim Assistance and Notification System established by the Governor’s Crime Commission, may not be used by a defendant in a criminal case, by an inmate, by any other accused, or by any victim or any family member of a victim, as a ground for relief in any criminal or civil proceeding, except as provided in Section 37 of Article I of the North Carolina Constitution.</p> <p> N.C. Const. art. I, § 37(1b) and N.C. Gen. Stat. Ann. § 15A-830(b) also afford victims standing to assert their rights. These provisions are included above.</p> <p> A promising practice is to notify victims that they have standing to enforce their rights in court and that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Victims’ Posttrial Rights: Victims’ Rights to Notification, Information and Presence; No Right to Be Heard; Victims’ Rights Upon Retrial.</p> <p>(a) Within 30 days after the final court proceeding in the case, the district attorney’s office shall notify the victim, in writing, of:</p>	<p>N.C. Gen. Stat. Ann. § 15A-835.</p>

<p>(1) The final disposition of the case. (2) The crimes of which the defendant was convicted. (3) The defendant's right to appeal, if any. (4) The telephone number of offices to contact in the event of nonpayment of restitution by the defendant.</p> <p>(b) Upon a defendant's giving notice of appeal to the Court of Appeals or the Supreme Court, the district attorney's office shall forward to the Attorney General's office the defendant's name and the victim's name, address, and telephone number. Upon receipt of this information, and thereafter as the circumstances require, the Attorney General's office shall provide the victim with the following:</p> <p>(1) A clear and concise explanation of how the appellate process works, including information about possible actions that may be taken by the appellate court. (2) Notice of the date, time, and place of any appellate proceedings involving the defendant. Notice shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the proceedings. (3) The final disposition of an appeal.</p> <p>(b1) Although the victim does not have a right to be heard, the victim is permitted to be present at any appellate proceeding that is an open hearing.</p> <p>(c) If the defendant has been released on bail pending the outcome of the appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency as soon as practicable, and within 72 hours of receipt of the notification the investigating law enforcement agency shall notify the victim that the defendant has been released.</p> <p>(d) If the defendant's conviction is overturned, and the district attorney's office decides to retry the case or the case is remanded to superior court for a new trial, the victim shall be entitled to the same rights under this Article as if the first trial did not take place.</p> <p>(e) Repealed by S.L. 2001-302, § 1.</p>	
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<p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims' Right to Notice from Custodial Agents.</p> <p>(a) When a form is included with the final judgment and commitment pursuant to G.S. 15A-832(g), or when the victim has otherwise filed a written request for notification with the custodial agency, the custodial agency shall notify the victim of:</p> <ol style="list-style-type: none"> (1) The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days. (2) An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community. (3) The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns. (4) The defendant's escape from custody, within 72 hours, except that if a victim has notified the agency in writing that the defendant has issued a specific threat against the victim, the agency shall notify the victim as soon as possible and within 24 hours at the latest. (5) The defendant's capture, within 24 hours. (6) The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release. In no event shall notice be given less than seven days before release. (7) The defendant's death. 	<p>N.C. Gen. Stat. Ann. § 15A-836.</p>

<p>(8) The procedure for alleging a failure of the custodial agency to notify the victim as required by this section.</p> <p>(b) Notifications required in this section shall be provided within 60 days of the date the custodial agency takes custody of the defendant or within 60 days of the event requiring notification, or as otherwise specified in subsection (a) of this section.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain notification rights by completing a form or filing another type of written request. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Notice from the Division of Community Supervision and Reentry.</p> <p>(a) The Division of Community Supervision and Reentry shall notify the victim of:</p> <ol style="list-style-type: none"> (1) The defendant’s regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes. (2) The date and location of any hearing to determine whether the defendant’s supervision should be revoked, continued, modified, or terminated. (3) The final disposition of any hearing referred to in subdivision (2) of this subsection. (4) Any restitution modification. (5) The defendant’s movement into or out of any intermediate sanction as defined in G.S. 15A-1340.11(6). (6) The defendant’s absconding supervision, within 72 hours. 	<p>N.C. Gen. Stat. Ann. § 15A-837.</p>

<p>(7) The capture of a defendant described in subdivision (6) of this subsection, within 72 hours.</p> <p>(8) The date when the defendant is terminated or discharged.</p> <p>(9) The defendant's death.</p> <p>(b) Notifications required in this section shall be provided within 30 days of the event requiring notification, or as otherwise specified in subsection (a) of this section.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims' Right to Notice of Consideration of Commutation or Pardon; Victims' Right to Present a Written Statement; Victims' Right to Notice of Commutation or Pardon Decision.</p> <p>The Governor's Clemency Office shall notify a victim when it is considering commuting the defendant's sentence or pardoning the defendant. The Governor's Clemency Office shall also give notice that the victim has the right to present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon decision.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>N.C. Gen. Stat. Ann. § 15A-838.</p>
<p>Victims' Right to Restitution: Restitution Generally.</p>	<p>N.C. Gen. Stat. Ann. § 15A-1340.34.</p>


<p>(a) When sentencing a defendant convicted of a criminal offense, the court shall determine whether the defendant shall be ordered to make restitution to any victim of the offense in question. For purposes of this Article, the term “victim” means a person directly and proximately harmed as a result of the defendant’s commission of the criminal offense.</p> <p>(b) If the defendant is being sentenced for an offense for which the victim is entitled to restitution under Article 46 of this Chapter, the court shall, in addition to any penalty authorized by law, require that the defendant make restitution to the victim or the victim’s estate for any injuries or damages arising directly and proximately out of the offense committed by the defendant. If the defendant is placed on probation or post-release supervision, any restitution ordered under this subsection shall be a condition of probation as provided in G.S. 15A-1343(d) or a condition of post-release supervision as provided in G.S. 148-57.1.</p> <p>(c) When subsection (b) of this section does not apply, the court may, in addition to any other penalty authorized by law, require that the defendant make restitution to the victim or the victim’s estate for any injuries or damages arising directly and proximately out of the offense committed by the defendant.</p> <p> Victims have constitutional and statutory restitution rights under N.C. Const. art. I, § 37(1a)(c), N.C. Gen. Stat. Ann. § 15A-830.5(b)(4) and N.C. Gen. Stat. Ann. § 15A-834. For additional information on restitution, <i>see generally</i> N.C. Gen Stat. Ann. §§ 15A-1340.34 through 15A-1340.39. Some of these provisions are included above and below.</p> <p> A promising practice is to inform victims that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Basis for Restitution.</p>	<p>N.C. Gen. Stat. Ann. § 15A-1340.35.</p>




- (a) In determining the amount of restitution, the court shall consider the following:
- (1) In the case of an offense resulting in bodily injury to a victim:
 - a. The cost of necessary medical and related professional services and devices or equipment relating to physical, psychiatric, and psychological care required by the victim;
 - b. The cost of necessary physical and occupational therapy and rehabilitation required by the victim; and
 - c. Income lost by the victim as a result of the offense.
 - (2) In the case of an offense resulting in the damage, loss, or destruction of property of a victim of the offense:
 - a. Return of the property to the owner of the property or someone designated by the owner; or
 - b. If return of the property under sub-subdivision (2)a. of this subsection is impossible, impracticable, or inadequate:
 - 1. The value of the property on the date of the damage, loss, or destruction; or
 - 2. The value of the property on the date of sentencing, less the value of any part of the property that is returned.
 - (3) Any measure of restitution specifically provided by law for the offense committed by the defendant.
 - (4) In the case of an offense resulting in bodily injury that results in the death of the victim, the cost of the victim's necessary funeral and related services, in addition to the items set out in subdivisions (1), (2), and (3) of this subsection.

(b) The court may require that the victim or the victim's estate provide admissible evidence that documents the costs claimed by the victim or the victim's estate under this section. Any such documentation shall be shared with the defendant before the sentencing hearing.



Victims have constitutional and statutory restitution rights under N.C. Const. art. I, § 37(1a)(c), N.C. Gen. Stat. Ann. § 15A-830.5(b)(4) and N.C. Gen. Stat. Ann. § 15A-834. For additional information on restitution, *see generally* N.C. Gen Stat. Ann. §§ 15A-1340.34 through 15A-1340.39. Some of these provisions are included above and below.

 A promising practice is to inform victims that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.	
<p>Victims' Right to Restitution: Effect of Restitution Order; Beneficiaries.</p> <p>The court may order the defendant to make restitution to a person other than the victim, or to any organization, corporation, or association, including the Crime Victims Compensation Fund, that provided assistance to the victim following the commission of the offense by the defendant and is subrogated to the rights of the victim. Restitution shall be made to the victim or the victim's estate before it is made to any other person, organization, corporation, or association under this subsection.</p>	<p>N.C. Gen. Stat. Ann. § 15A-1340.37(b).</p>
<p>Victims' Right to Notice and Opportunity to Be Heard Before Court Remits an Order of Restitution.</p> <p>(a) Notice and Hearing Required.--No court may remit all or part of an order of restitution entered pursuant to G.S. 15A-1340.34 without providing notice and an opportunity to be heard to the district attorney and the victim, victim's estate, or any other entity to which the order directs restitution to be paid. The court shall provide notice to the district attorney and the victim, the victim's estate, or other entity of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission of all or part of the order of restitution, at least 15 days prior to hearing. Notice shall be made to the victim, victim's estate, or other entity by first-class mail to the address provided for receipt of funds paid pursuant to the order of restitution.</p> <p>(b) Ruling; Criteria.--If the court finds that the remission of the order is warranted and serves the interests of justice, the court may remit the order of restitution.</p>	<p>N.C. Gen. Stat. Ann. § 15A-1340.39.</p>

<p>(c) Civil Action Not Abridged.--The remission of an order of restitution, pursuant to this section, does not abridge the right of a victim or the victim's estate to bring a civil action against the defendant for damages arising out of the offense committed by the defendant.</p> <p> Victims have constitutional and statutory restitution rights under N.C. Const. art. I, § 37(1a)(c), N.C. Gen. Stat. Ann. § 15A-830.5(b)(4) and N.C. Gen. Stat. Ann. § 15A-834. For additional information on restitution, <i>see generally</i> N.C. Gen Stat. Ann. §§ 15A-1340.34 through 15A-1340.39. Some of these provisions are included above.</p> <p> A promising practice is to inform victims that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Human Trafficking Victims' Right to Mandatory Restitution.</p> <p>(a) Repealed by S.L. 2018-75, § 4(a), eff. Dec. 1, 2018.</p> <p>(b) Restitution.--Restitution for a victim is mandatory under this Article. At a minimum, the court shall order restitution in an amount equal to the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA). In addition, the judge may order any other amount of loss identified, including the gross income or value to the defendant of the victim's labor or services and any costs reasonably certain to be incurred by or on behalf of the victim for medical care, psychological treatment, temporary housing, transportation, funeral services, and any other</p>	<p>N.C. Gen. Stat. Ann. § 14-43.20.</p>



services designed to assist a victim recover from any injuries or loss resulting from an offense committed under G.S. 14-43.11, 14-43.12, or 14-43.13.




(c) Trafficking Victim Services.--Subject to the availability of funds, the Department of Health and Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses under G.S. 14-43.11, 14-43.12, or 14-43.13.

(d) Certification.--The Attorney General, a district attorney, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Article for a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 has begun and the individual who is a likely victim of one of those crimes is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims who are under 18 years of age. This certification shall be made available to the victim and the victim's designated legal representative.

(e) Forfeiture.--A person who commits a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 is subject to the property forfeiture provisions set forth in G.S. 14-2.3.

(f) Escheat.--If a judge finds that the victim to whom restitution is due under this Article is unavailable to claim the restitution award, then the judge shall order the restitution be made payable to the clerk of superior court in the county in which the conviction for the offense requiring restitution occurred. If the victim fails to claim the restitution award within two years of the date of the restitution order issued by the judge, the clerk shall remit the restitution proceeds to the Crime Victims Compensation Fund established pursuant to G.S. 15B-23. Notwithstanding any provision of G.S. 15B-23 to the contrary, funds remitted to the Crime Victims Compensation Fund shall be used only to provide aid to victims who are (i) worthy and needy as determined by the Crime Victims Compensation Commission and (ii) enrolled in public institutions of higher education of this State.

 <p>Human trafficking victims should be informed that they are entitled to mandatory restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Domestic Violence Victims’ Rights Regarding Protection Orders: No Costs, Attorneys’ Fees to Be Assessed.</p> <p>Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be served. In compliance with the federal Violence Against Women Act, no court costs or attorneys’ fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11.</p> <p> N.C. Gen. Stat. Ann. § 50B-1 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>N.C. Gen. Stat. Ann. § 50B-2(a).</p>
<p>Domestic Violence Victims’ Employment-Related Rights.</p>	<p>N.C. Gen. Stat. Ann. § 50B-5.5.</p>

<p>(a) No employer shall discharge, demote, deny a promotion, or discipline an employee because the employee took reasonable time off from work to obtain or attempt to obtain relief under [Chapter 50B of North Carolina’s General Statutes, Domestic Violence]. An employee who is absent from the workplace shall follow the employer’s usual time-off policy or procedure, including advance notice to the employer, when required by the employer’s usual procedures, unless an emergency prevents the employee from doing so. An employer may require documentation of any emergency that prevented the employee from complying in advance with the employer’s usual time-off policy or procedure, or any other information available to the employee which supports the employee’s reason for being absent from the workplace.</p> <p>(b) The Commissioner of Labor shall enforce the provisions of this section according to Article 21 of Chapter 95 of the General Statutes, including the rules and regulations issued pursuant to the Article.</p> <p> N.C. Gen. Stat. Ann. § 50B-1 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> N.C. Gen. Stat. Ann. § 15A-825(a)(4) provides that all victims have a similar right to employer-intercession services. This provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p>Human Trafficking and Sex Offense Victims’ Rights Regarding Permanent Civil No-Contact Order Against Offenders; No Costs, Attorneys’ Fees to Be Assessed; Victim</p>	<p>N.C. Gen. Stat. Ann. § 50D-2.</p>

May Designate Alternate Address to Receive Notice of Pleadings/Motions Filed by Offender.


(a) An action is commenced under this Chapter by filing a verified complaint for a permanent civil no-contact order in district court or by filing a motion in any existing civil action, by any of the following:


- (1) A person who is the victim of a human trafficking offense or sex offense that occurs in this State.
- (2) A competent adult who resides in this State on behalf of a minor child who is the victim of a human trafficking offense or sex offense that occurs in this State.
- (3) A competent adult who resides in this State on behalf of an incompetent adult who is the victim of a human trafficking offense or sex offense that occurs in this State.

(b) No court costs or attorneys' fees shall be assessed for the filing or service of the complaint, or the service of any orders, except as provided in G.S. 1A-1, Rule 11.

(c) An action commenced under this Chapter may be filed in any county permitted under G.S. 1-82 or where the respondent was convicted of the human trafficking offense or sex offense.

(d) If the victim states that disclosure of the victim's address would place the victim or any member of the victim's family or household at risk for further unlawful conduct, the victim's address may be omitted from all documents filed with the court. If the victim has not disclosed an address under this subsection, the victim shall designate an alternative address to receive notice of any motions or pleadings from the opposing party.

 N.C. Gen. Stat. Ann. § 50D-1 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."




 A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.



<p>Social Worker Privilege.</p> <p>No person engaged in delivery of private social work services, duly licensed or certified pursuant to Chapter 90B of the General Statutes shall be required to disclose any information that he or she may have acquired in rendering professional social services, and which information was necessary to enable him or her to render professional social services: provided, that the presiding judge of a superior or district court may compel such disclosure, if in the court’s opinion the same is necessary to a proper administration of justice and such disclosure is not prohibited by <u>G.S. 8-53.6</u> or any other statute or regulation.</p>	<p>N.C. Gen. Stat. Ann. § 8-53.7.</p>
<p>Counselor Privilege.</p> <p>No person, duly licensed pursuant to Chapter 90, Article 24, of the General Statutes, shall be required to disclose any information which he or she may have acquired in rendering clinical mental health counseling services, and which information was necessary to enable him or her to render clinical mental health counseling services: Provided, that the presiding judge of a superior or district court may compel such disclosure, if in the court’s opinion the same is necessary to a proper administration of justice and such disclosure is not prohibited by other statute or regulation.</p>	<p>N.C. Gen. Stat. Ann. § 8-53.8.</p>
<p>Rape Crisis Center and Domestic Violence Program Employee/Agent-Victim Privilege.</p> <p>(b) No agent of a center shall be required to disclose any information which the agent acquired during the provision of services to a victim and which information was necessary to enable the agent to render the services; provided, however, that this subsection shall not apply where the victim waives the privilege conferred. Any agent or center that receives a request for such information shall make every effort to inform the victim of the request and provide the victim a copy of the request if the request was in writing. Any resident or</p>	<p>N.C. Gen. Stat. Ann. § 8-53.12(b)–(c).</p>

presiding judge in the district in which the action is pending shall compel disclosure, either at the trial or prior thereto, if the court finds, by a preponderance of the evidence, a good faith, specific and reasonable basis for believing that (i) the records or testimony sought contain information that is relevant and material to factual issues to be determined in a civil proceeding, or is relevant, material, and exculpatory upon the issue of guilt, degree of guilt, or sentencing in a criminal proceeding for the offense charged or any lesser included offense, (ii) the evidence is not sought merely for character impeachment purposes, and (iii) the evidence sought is not merely cumulative of other evidence or information available or already obtained by the party seeking the disclosure or the party's counsel. If the case is in district court, the judge shall be a district court judge, and if the case is in superior court, the judge shall be a superior court judge.

The judge in any court proceeding subject to this section shall inquire as to whether the victim is present and wishes to be heard. If the victim is present and wishes to be heard, the court shall grant the victim an opportunity to be reasonably heard. The right to be reasonably heard may be exercised, at the victim's discretion, through an oral statement, submission of a written statement, or submission of an audio or video statement. Before requiring production of records, the court must find that the party seeking disclosure has made a sufficient showing that the records are likely to contain information subject to disclosure under this subsection. If the court finds a sufficient showing has been made, the court shall order that the records be produced for the court under seal, shall examine the records in camera, and may allow disclosure of those portions of the records which the court finds contain information subject to disclosure under this subsection. After all appeals in the action have been exhausted, any records received by the court under seal shall be returned to the center, unless otherwise ordered by the court. The privilege afforded under this subsection terminates upon the death of the victim.

(c) Duty in Case of Abuse or Neglect.--Nothing in this section shall be construed to relieve any person of any duty pertaining to abuse or neglect of a child or disabled adult as required by law.

<p> N.C. Gen. Stat. Ann. § 8-53.12(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Address Confidentiality Program: Purpose.</p> <p>The purpose of this Chapter is to enable the State and the agencies of North Carolina to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual offense, stalking, or human trafficking; to enable interagency cooperation in providing address confidentiality for victims of domestic violence, sexual offense, stalking, or human trafficking; and to enable the State and its agencies to accept a program participant’s use of an address designated by the Office of the Attorney General as a substitute address.</p> <p> N.C. Gen. Stat. Ann. § 50C-2 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information about North Carolina’s address confidentiality program, <i>see</i> N.C. Gen. Stat. Ann. § 15C-3 (designation of substitute address); N.C. Gen. Stat. Ann. § 15C-4 (application and authorization card); N.C. Gen. Stat. Ann. § 15C-5 (change of name, address, phone number); N.C. Gen. Stat. Ann. § 15C-6 (falsifying application); N.C. Gen. Stat. Ann. § 15C-7 (certification cancellation); N.C. Gen. Stat. Ann. § 15C-8 (use by state or local agencies); N.C. Gen. Stat. Ann. §15C-9 (disclosure of address prohibited); N.C. Gen. Stat. Ann. § 15C-10 (assistance for program applicants); N.C. Gen. Stat. Ann. § 15C-11 (limited liability); N.C. Gen. Stat. Ann. § 15C-12 (rule-making authority); N.C. Gen. Stat. Ann. § 15C-12 (additional time for action). Some of these statutory provisions are included below.</p>	<p>N.C. Gen. Stat. Ann. § 15C-1.</p>
<p>Address Confidentiality Program: Designation of Substitute Address.</p>	<p>N.C. Gen. Stat. Ann. § 15C-3.</p>


<p>The General Assembly establishes the Address Confidentiality Program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the victim's assailants or potential assailants from finding the victim through public records. Under this Program, the Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail or certified or registered mail. The Attorney General shall not be required to forward any mail other than first-class mail or certified or registered mail to the program participant. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered mail.</p> <p> N.C. Gen. Stat. Ann. § 50C-2 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> For additional information about North Carolina's address confidentiality program, <i>see</i> N.C. Gen. Stat. Ann. § 15C-1 (purpose); N.C. Gen. Stat. Ann. § 15C-4 (application and authorization card); N.C. Gen. Stat. Ann. § 15C-5 (change of name, address, phone number); N.C. Gen. Stat. Ann. § 15C-6 (falsifying application); N.C. Gen. Stat. Ann. § 15C-7 (certification cancellation); N.C. Gen. Stat. Ann. § 15C-8 (use by state or local agencies); N.C. Gen. Stat. Ann. § 15C-9 (disclosure of address prohibited); N.C. Gen. Stat. Ann. § 15C-10 (assistance for program applicants); N.C. Gen. Stat. Ann. § 15C-11 (limited liability); N.C. Gen. Stat. Ann. § 15C-12 (rule-making authority); N.C. Gen. Stat. Ann. § 15C-12 (additional time for action). Some of these statutory provisions are included above and below.</p>	
<p>Address Confidentiality Program: Application and Authorization Card.</p>	<p>N.C. Gen. Stat. Ann. § 15C-4.</p>

<p>(a) An individual who wants to participate in the Address Confidentiality Program shall file an application with the Attorney General with the assistance of an application assistant. Any of the following individuals may apply to the Attorney General to have an address designated by the Attorney General to serve as the substitute address of the individual:</p> <ul style="list-style-type: none">(1) An adult individual.(2) A parent or guardian acting on behalf of a minor when the minor resides with the individual.(3) A guardian acting on behalf of an incapacitated individual. <p>(b) The application shall be dated, signed, and verified by the applicant and shall be signed by the application assistant who assisted in the preparation of the application.</p> <p>(c) The application shall contain all of the following:</p> <ul style="list-style-type: none">(1) A statement by the applicant that the applicant is a victim of domestic violence, sexual offense, stalking, or human trafficking and that the applicant fears for the applicant's safety or the safety of the applicant's child.(2) Evidence that the applicant is a victim of domestic violence, sexual offense, stalking, or human trafficking. This evidence may include any of the following:<ul style="list-style-type: none">a. Law enforcement, court, or other federal or state agency records or files.b. Documentation from a domestic violence program if the applicant is alleged to be a victim of domestic violence.c. Documentation from a religious, medical, or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking.d. Documentation submitted to support a victim of human trafficking's application for federal assistance or benefits under federal human trafficking laws.(3) A statement by the applicant that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's child.(4) A statement by the applicant that the applicant has or will confidentially relocate in North Carolina.(5) A designation of the Attorney General as an agent for the applicant for purposes of service of process and the receipt of first-class mail or certified or registered mail.	
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- (6) The mailing address and telephone number where the applicant can be contacted by the Attorney General.
- (7) The address that the applicant requests not to be disclosed by the Attorney General that directly relates to the increased risk of domestic violence, sexual offense, or stalking.
- (8) A statement as to whether there is any existing court order or court action involving the applicant related to divorce proceedings, child support, child custody, or child visitation and the court that issued the order or has jurisdiction over the action.
- (9) A statement by the applicant that to the best of the applicant's knowledge, the information contained in the application is true.
- (10) A recommendation of an application assistant that the applicant have an address designated by the Attorney General to serve as the substitute address of the applicant.

(d) Upon the filing of a properly completed application, the Attorney General shall certify the applicant as a program participant. Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. The Address Confidentiality Program authorization card shall remain valid for so long as the program participant remains certified under the Program.

(e) Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or canceled prior to the end of the four-year period. A program participant may withdraw the certification by filing a request for withdrawal acknowledged before a notary with the Attorney General. A certification may be renewed by filing an application containing the information required by G.S. 15C-3 with the Attorney General at least 30 days prior to expiration of the current certification.

 For additional information about North Carolina's address confidentiality program, *see* N.C. Gen. Stat. Ann. § 15C-1 (purpose); N.C. Gen. Stat. Ann. § 15C-3 (designation of substitute address); N.C. Gen. Stat. Ann. § 15C-5 (change of name, address, phone number); N.C. Gen. Stat. Ann. § 15C-6 (falsifying application); N.C. Gen. Stat. Ann. § 15C-7 (certification cancellation); N.C. Gen. Stat. Ann. § 15C-8 (use by state or local agencies); N.C. Gen. Stat. Ann. § 15C-9 (disclosure of address prohibited); N.C. Gen. Stat. Ann. § 15C-10 (assistance for program applicants); N.C. Gen. Stat. Ann. § 15C-11 (limited liability);

<p>N.C. Gen. Stat. Ann. § 15C-12 (rule-making authority); N.C. Gen. Stat. Ann. § 15C-12 (additional time for action). Some of these statutory provisions are included above and below.</p>	
<p>Address Confidentiality Program: Disclosure of Actual Address or Telephone Number Prohibited.</p> <p>(a) The Attorney General is prohibited from disclosing any address or telephone number of a program participant other than the substitute address designated by the Attorney General, except under the following circumstances:</p> <p>(1) The information is requested by a federal, state, or local law enforcement agency for official use only.</p> <p>(2) The information is required by direction of a court order. However, any person to whom a program participant’s address or telephone number has been disclosed shall not disclose the address or telephone number to any other person unless permitted to do so by order of the court.</p> <p>(3) Upon request by an agency to verify the participation of a specific program participant when the verification is for official use only.</p> <p>(4) Upon request by an agency, in the manner provided for by G.S. 15C-8.</p> <p>(5) The program participant is required to disclose the program participant’s actual address as part of a registration required by Article 27A of Chapter 14 of the General Statutes.</p> <p>(b) The Attorney General shall provide immediate notification of disclosure to a program participant when disclosure is made pursuant to subdivision (2) or (4) of subsection (a) of this section.</p> <p>(c) If, at the time of application, an applicant is subject to a court order related to divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court that issued the order of the certification of the program participant in the Address Confidentiality Program and the substitute address designated by the Attorney General. If, at the time of application, an applicant is involved in a court action related to</p>	<p>N.C. Gen. Stat. Ann. § 15C-9.</p>

divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court having jurisdiction over the action of the certification of the applicant in the Address Confidentiality Program and the substitute address designated by the Attorney General.


(d) No person shall knowingly and intentionally obtain a program participant's actual address or telephone number from the Attorney General or an agency knowing that the person is not authorized to obtain the address information.

(e) No employee of the Attorney General or an agency shall knowingly and intentionally disclose a program participant's actual address or telephone number to a person known to the employee to be prohibited from receiving the program participant's actual address or telephone number, unless the disclosure is permissible by law. This subsection only applies when an employee obtains a program participant's actual address or telephone number during the course of the employee's official duties and, at the time of disclosure, the employee has specific knowledge that the actual address or telephone number disclosed belongs to a program participant.

(f) Any person who knowingly and intentionally obtains or discloses information in violation of this Chapter shall be guilty of a Class 1 misdemeanor and assessed a fine not to exceed two thousand five hundred dollars (\$2,500).



For additional information about North Carolina's address confidentiality program, *see* N.C. Gen. Stat. Ann. § 15C-1 (purpose); N.C. Gen. Stat. Ann. § 15C-3 (designation of substitute address); N.C. Gen. Stat. Ann. § 15C-4 (application and authorization card); N.C. Gen. Stat. Ann. § 15C-5 (change of name, address, phone number); N.C. Gen. Stat. Ann. § 15C-6 (falsifying application); N.C. Gen. Stat. Ann. § 15C-7 (certification cancellation); N.C. Gen. Stat. Ann. § 15C-8 (use by state or local agencies); N.C. Gen. Stat. Ann. § 15C-10 (assistance for program applicants); N.C. Gen. Stat. Ann. § 15C-11 (limited liability); N.C. Gen. Stat. Ann. § 15C-12 (rule-making authority); N.C. Gen. Stat. Ann. § 15C-12 (additional time for action). Some of these statutory provisions are included above and below.

<p>Address Confidentiality Program: Assistance for Program Applicants; Designation of Nonprofits to Provide Assistance; Victims' Right to Receive Notice of Eligibility to Access State Benefits and Services.</p> <p>(a) The Attorney General shall designate agencies of North Carolina and nonprofit organizations that provide counseling and shelter services to victims of domestic violence, sexual offense, stalking, or human trafficking to assist individuals applying to be program participants. Any assistance and counseling rendered by the Office of the Attorney General or its designee to applicants shall in no way be construed as legal advice.</p> <p>(b) The Attorney General, upon receiving notification pursuant to G.S. 15A-832(h), shall, within 96 hours of receiving the notification, issue the victim a letter of certification of eligibility or other relevant document entitling the person to have access to State benefits and services.</p> <p> For additional information about North Carolina's address confidentiality program, <i>see</i> N.C. Gen. Stat. Ann. § 15C-1 (purpose); N.C. Gen. Stat. Ann. § 15C-3 (designation of substitute address); N.C. Gen. Stat. Ann. § 15C-4 (application and authorization card); N.C. Gen. Stat. Ann. § 15C-5 (change of name, address, phone number); N.C. Gen. Stat. Ann. § 15C-6 (falsifying application); N.C. Gen. Stat. Ann. § 15C-7 (certification cancellation); N.C. Gen. Stat. Ann. § 15C-8 (use by state or local agencies); N.C. Gen. Stat. Ann. § 15C-9 (disclosure of address prohibited); N.C. Gen. Stat. Ann. § 15C-11 (limited liability); N.C. Gen. Stat. Ann. § 15C-12 (rule-making authority); N.C. Gen. Stat. Ann. § 15C-12 (additional time for action). Some of these statutory provisions are included above and below.</p>	<p>N.C. Gen. Stat. Ann. § 15C-10.</p>
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<p>Confidential and Non-Public Nature of Address Confidentiality Program Information.</p> <p>Address Confidentiality Program Information.--The actual address and telephone number of a program participant in the Address Confidentiality Program established under Chapter 15C of the General Statutes is not a public record within the meaning of Chapter 132. The actual address and telephone number of a program participant may not be disclosed except as provided in Chapter 15C of the General Statutes.</p>	<p>N.C. Gen. Stat. Ann. § 132-1.1(d).</p>
<p>Public Records Requests: Criminal Investigations, Intelligence Information Records and Innocence Inquiry Commission Records.</p> <p>(a) Records of criminal investigations conducted by public law enforcement agencies, records of criminal intelligence information compiled by public law enforcement agencies, and records of investigations conducted by the North Carolina Innocence Inquiry Commission, are not public records as defined by G.S. 132-1. Records of criminal investigations conducted by public law enforcement agencies or records of criminal intelligence information may be released by order of a court of competent jurisdiction.</p> <p>...</p> <p>(c) Notwithstanding the provisions of this section, and unless otherwise prohibited by law, the following information shall be public records within the meaning of G.S. 132-1.</p> <p>(1) The time, date, location, and nature of a violation or apparent violation of the law reported to a public law enforcement agency.</p> <p>(2) The name, sex, age, address, employment, and alleged violation of law of a person arrested, charged, or indicted.</p> <p>(3) The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons, or pursuit, and a description of any items seized in connection with the arrest.</p>	<p>N.C. Gen. Stat. Ann. § 132-1.4(a), (c)–(m).</p>

(4) The contents of "911" and other emergency telephone calls received by or on behalf of public law enforcement agencies, except for such contents that reveal the natural voice, name, address, telephone number, or other information that may identify the caller, victim, or witness. In order to protect the identity of the complaining witness, the contents of "911" and other emergency telephone calls may be released pursuant to this section in the form of a written transcript or altered voice reproduction; provided that the original shall be provided under process to be used as evidence in any relevant civil or criminal proceeding.

(5) The contents of communications between or among employees of public law enforcement agencies that are broadcast over the public airways.

(6) The name, sex, age, and address of a complaining witness.

(d) A public law enforcement agency shall temporarily withhold the name or address of a complaining witness if release of the information is reasonably likely to pose a threat to the mental health, physical health, or personal safety of the complaining witness or materially compromise a continuing or future criminal investigation or criminal intelligence operation. Information temporarily withheld under this subsection shall be made available for release to the public in accordance with G.S. 132-6 as soon as the circumstances that justify withholding it cease to exist. Any person denied access to information withheld under this subsection may apply to a court of competent jurisdiction for an order compelling disclosure of the information. In such action, the court shall balance the interests of the public in disclosure against the interests of the law enforcement agency and the alleged victim in withholding the information. Actions brought pursuant to this subsection shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(e) If a public law enforcement agency believes that release of information that is a public record under subdivisions (c)(1) through (c)(5) of this section will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation, it may seek an order from a court of competent jurisdiction to prevent disclosure of the information. In such action the law enforcement agency shall have the burden of showing by a preponderance of the evidence that disclosure of the information in question will jeopardize the right of the State to prosecute a defendant

or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation. Actions brought pursuant to this subsection shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(f) Nothing in this section shall be construed as authorizing any public law enforcement agency to prohibit or prevent another public agency having custody of a public record from permitting the inspection, examination, or copying of such public record in compliance with G.S. 132-6. The use of a public record in connection with a criminal investigation or the gathering of criminal intelligence shall not affect its status as a public record.

(g) Disclosure of records of criminal investigations and criminal intelligence information that have been transmitted to a district attorney, a staff member of the Conference of District Attorneys, or other attorney authorized to prosecute a violation of law shall be governed by this section and Chapter 15A of the General Statutes.



(h) Nothing in this section shall be construed as requiring law enforcement agencies to disclose the following:

(1) Information that would not be required to be disclosed under Chapter 15A of the General Statutes; or

(2) Information that is reasonably likely to identify a confidential informant.

(i) Law enforcement agencies shall not be required to maintain any tape recordings of "911" or other communications for more than 30 days from the time of the call, unless a court of competent jurisdiction orders a portion sealed.

(j) When information that is not a public record under the provisions of this section is deleted from a document, tape recording, or other record, the law enforcement agency shall make clear that a deletion has been made. Nothing in this subsection shall authorize the destruction of the original record.

<p>(k) The following court records are public records and may be withheld only when sealed by court order: arrest and search warrants that have been returned by law enforcement agencies, indictments, criminal summons, and nontestimonial identification orders.</p> <p>(l) Records of investigations of alleged child abuse shall be governed by Article 29 of Chapter 7B of the General Statutes.</p> <p>(m) Records and information released to the Adjutant General or National Guard Staff Judge Advocate of the North Carolina National Guard pursuant to G.S. 127A-63 shall remain State records and shall be governed by this section, G.S. 127A-17.1, and military regulations governing official use or disclosure to servicemembers as required in connection with adjudicative proceedings.</p> <p> N.C. Gen. Stat. Ann. § 132-1.4(b) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victim information subject to nondisclosure is redacted when law enforcement compiles or reports victim information.</p>	
<p>Law Enforcement Agency Recordings.</p> <p>...</p> <p>(b) Public Record and Personnel Record Classification.--Recordings are not public records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.</p> <p>(b1) Immediate Disclosure.--When requested by submission of the notarized form described in subsection (b2) of this section to the head of a law enforcement agency, any portion of a</p>	<p>N.C. Gen. Stat. Ann. § 132-1.4A(b)–(m).</p>

recording in the custody of a law enforcement agency which depicts a death or serious bodily injury shall, upon order of the court pursuant to subsection (b3) of this section, be disclosed to a personal representative of the deceased, the injured individual, or a personal representative on behalf of the injured individual. Any disclosure ordered by the court pursuant to subsection (b3) of this section shall be done by the agency in a private setting. A person who receives disclosure as ordered by the court pursuant to subsection (b3) of this section shall not record or copy the recording. Except as provided in subsection (b3) of this section, the portion of the recording relevant to the death or serious bodily injury shall not be edited or redacted.

(b2) Notarized Form.--A person requesting disclosure pursuant to subsection (b1) of this section must submit a signed and notarized form provided by the law enforcement agency. The form shall be developed by the Administrative Office of the Courts and shall include notice that, if disclosed, the recording may not be recorded or copied, or if unlawfully recorded or copied may not be knowingly disseminated, and notice of the criminal penalties provided in subsection (b4) of this section.

(b3) Immediate Disclosure Review.--No later than three business days from receipt of the notarized form requesting immediate disclosure pursuant to subsection (b1) of this section, a law enforcement agency shall file a petition in the superior court in any county where any portion of the recording was made for issuance of a court order regarding disclosure of the recording requested pursuant to subsection (b1) of this section and shall also deliver a copy of the petition and a copy of the recording, which shall remain confidential unless the court issues an order of disclosure pursuant to this section, to the senior resident superior court judge for that superior court district or their designee. There shall be no fee for filing the petition. The court shall conduct an in-camera review of the recording and shall enter an order within seven business days of the filing of the petition instructing that the recording be (i) immediately disclosed without editing or redaction; (ii) immediately disclosed with editing or redaction; (iii) disclosed at a later date, with or without editing or redaction; or (iv) not disclosed to the person or persons seeking disclosure. In determining whether the recording may be disclosed pursuant to this section, the court shall consider the following factors:

- (1) If the person requesting disclosure of the recording is a person authorized to receive disclosure pursuant to subsection (c) of this section.
- (2) If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) If disclosure would reveal information regarding a person that is of a highly sensitive and personal nature.
- (4) If disclosure may harm the reputation or jeopardize the safety of a person.
- (5) If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
- (6) If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the portion of the recording requested to be disclosed and the head of that person's employing law enforcement agency, (iii) the District Attorney, (iv) the investigating law enforcement agency, and (v) the party requesting the disclosure. The court may order any conditions or restrictions on the disclosure that the court deems appropriate.

Petitions filed pursuant to this subsection shall be scheduled for hearing as soon as practicable, and the court shall issue an order pursuant to the provisions of this subsection no later than seven business days after the filing of the petition. Any subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

If disclosure of a recording is denied based on subdivision (6) of this subsection, the court shall schedule a subsequent hearing, to be held no more than 20 business days after the issuance of the order, to reconsider whether the recording should be disclosed.

(b4) Any person who willfully records, copies, or attempts to record or copy a recording disclosed pursuant to subsection (b1) of this section shall be guilty of a Class 1 misdemeanor.

Any person who knowingly disseminates a recording or a copy of a recording disclosed pursuant to subsection (b1) of this section is guilty of a Class I felony.

(c) Disclosure; General.--Recordings in the custody of a law enforcement agency shall be disclosed only as provided by this section. Recordings depicting a death or serious bodily injury shall only be disclosed as provided in subsections (b1) through (b3) of this section.

A person requesting disclosure of a recording must make a written request to the head of the custodial law enforcement agency that states the date and approximate time of the activity captured in the recording or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.

The head of the custodial law enforcement agency may only disclose a recording to the following:

- (1) A person whose image or voice is in the recording.
- (2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
- (3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
- (4) A personal representative of a deceased person whose image or voice is in the recording.
- (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

When disclosing the recording, the law enforcement agency shall disclose only those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

(d) Disclosure; Factors for Consideration.--Upon receipt of the written request for disclosure, as promptly as possible, the custodial law enforcement agency must either disclose the portion of the recording relevant to the person's request or notify the requestor of the custodial law enforcement agency's decision not to disclose the recording to the requestor.

The custodial law enforcement agency may consider any of the following factors in determining if a recording is disclosed:

- (1) If the person requesting disclosure of the recording is a person authorized to receive disclosure pursuant to subsection (c) of this section.
- (2) If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) If disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
- (4) If disclosure may harm the reputation or jeopardize the safety of a person.
- (5) If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
- (6) If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

(e) Appeal of Disclosure Denial.--If a law enforcement agency denies disclosure pursuant to subsection (d) of this section, or has failed to provide disclosure more than three business days after the request for disclosure, the person seeking disclosure may apply to the superior court in any county where any portion of the recording was made for a review of the denial of disclosure. The court may conduct an in-camera review of the recording. The court may order the disclosure of the recording only if the court finds that the law enforcement agency abused its discretion in denying the request for disclosure. The court may only order disclosure of those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording. An order issued pursuant to this subsection may not order the release of the recording.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(f) Release of Recordings to Certain Persons; Expedited Process.--Notwithstanding the provisions of subsection (g) of this section, a person authorized to receive disclosure pursuant to subsection (c) of this section, or the custodial law enforcement agency, may petition the superior court in any county where any portion of the recording was made for an order releasing the recording to a person authorized to receive disclosure. There shall be no fee for filing the petition which shall be filed on a form approved by the Administrative Office of the Courts and shall state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording. If the petitioner is a person authorized to receive disclosure, notice and an opportunity to be heard shall be given to the head of the custodial law enforcement agency. Petitions filed pursuant to this subsection shall be set down for hearing as soon as practicable and shall be accorded priority by the court.

The court shall first determine if the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section. In making this determination, the court may conduct an in-camera review of the recording and may, in its discretion, allow the petitioner to be present to assist in identifying the image or voice in the recording that authorizes disclosure to the person to whom release is requested. If the court determines that the person is not authorized to receive disclosure pursuant to subsection (c) of this section, there shall be no right of appeal and the petitioner may file an action for release pursuant to subsection (g) of this section.

If the court determines that the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section, the court shall consider the standards set out in subsection (g) of this section and any other standards the court deems relevant in determining whether to order the release of all or a portion of the recording. The court may conduct an in-camera review of the recording. The court shall release only those portions of the recording that are relevant to the person's request and may place any conditions or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

(g) Release of Recordings; General; Court Order Required.--Recordings in the custody of a law enforcement agency shall only be released pursuant to court order. Any custodial law enforcement agency or any person requesting release of a recording may file an action in the

superior court in any county where any portion of the recording was made for an order releasing the recording. The request for release must state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording to which the action refers. The court may conduct an in-camera review of the recording. In determining whether to order the release of all or a portion of the recording, in addition to any other standards the court deems relevant, the court shall consider the applicability of all of the following standards:

- (1) Release is necessary to advance a compelling public interest.
- (2) The recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) The person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding.
- (4) Release would reveal information regarding a person that is of a highly sensitive personal nature.
- (5) Release may harm the reputation or jeopardize the safety of a person.
- (6) Release would create a serious threat to the fair, impartial, and orderly administration of justice.
- (7) Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
- (8) There is good cause shown to release all portions of a recording.

The court shall release only those portions of the recording that are relevant to the person's request, and may place any conditions or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and

subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(h) Release of Recordings; Law Enforcement Purposes.--Notwithstanding the requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency shall disclose or release a recording to a district attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for use in criminal proceedings in district court, or (iv) for any other law enforcement purpose, and may disclose or release a recording for any of the following purposes:



- (1) For law enforcement training purposes.
- (2) Within the custodial law enforcement agency for any administrative, training, or law enforcement purpose.
- (3) To another law enforcement agency for law enforcement purposes.
- (4) For suspect identification or apprehension.
- (5) To locate a missing or abducted person.

(i) Retention of Recordings.--Any recording subject to the provisions of this section shall be retained for at least the period of time required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records.

(j) Agency Policy Required.--Each law enforcement agency that uses body-worn cameras or dashboard cameras shall adopt a policy applicable to the use of those cameras.

(k) No civil liability shall arise from compliance with the provisions of this section, provided that the acts or omissions are made in good faith and do not constitute gross negligence, willful or wanton misconduct, or intentional wrongdoing.

(l) Fee for Copies.--A law enforcement agency may charge a fee to offset the cost incurred by it to make a copy of a recording for release. The fee shall not exceed the actual cost of making the copy.

<p>(m) Attorneys' Fees.--The court may not award attorneys' fees to any party in any action brought pursuant to this section.</p> <p> N.C. Gen. Stat. Ann. § 132-1.4A(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victim information subject to nondisclosure is redacted when law enforcement compiles or reports victim information.</p>	
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