



**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

HOUSE BILL 700: The I. Beverly Lake, Jr., Fair Trial Act

2015-2016 General Assembly

Committee:	House Judiciary I	Date:	April 22, 2015
Introduced by:	Reps. Daughtry, Zachary, Glazier	Prepared by:	Kelly Tornow and Jennifer Bedford
Analysis of:	PCS to First Edition H700-CSTT-7		Committee Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 700 would increase the reliability of in-custody informant statements through the use of pretrial hearings, create a jury instruction for considering the reliability of testimony by in-custody informants, and provide a policy governing the recording and use of in-custody informant testimony.*

BILL ANALYSIS: House Bill 700 would create a new Article 54 in Chapter 15A of the General Statutes entitled "Reliability of In-Custody Informant Statements". The bill does the following:

- Defines "in-custody informant".
- Provides that a defendant cannot be convicted of an offense or receive an aggravated sentence based solely on the testimony of an in-custody informant unless the testimony is corroborated by some other evidence that independently tends to connect the defendant with the offense committed.
- Requires the prosecution to timely disclose its intent to introduce the testimony of an in-custody informant prior to trial or entry of a guilty plea.
- Sets forth jury instructions regarding in-custody informant testimony.
- Requires all interviews of in-custody informants to be recorded, and requires district attorneys to establish policies and procedures governing the recording and use of that testimony.
- Prohibits the State from destroying or altering any electronic recording of an in-custody informant interview until one year after the completion of all State and federal appeals of the conviction, and requires the recordings to be clearly identified and catalogued by law enforcement personnel.

EFFECTIVE DATE: This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

O. Walker Reagan
Director



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