



# HOUSE BILL 704: Repeal Giglio Notifications.

2023-2024 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 2, 2023
<b>Introduced by:</b>	Reps. Blackwell, John, Greene, Carson Smith	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to Second Edition H704-CSTC-29		Staff Attorney

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**OVERVIEW:** *HB 704 would create a process for notification, due process, and appeal of a notification that a law enforcement officer may not be called to testify at trial based on bias, interest, or lack of credibility (Giglio notification).*

*The PCS for HB 704 would remove the contents of the bill and repeal current reporting requirements for Giglio notifications to the North Carolina Criminal Justice Education and Trainings Standards Commission or the North Carolina Education and Training Standards Commission.*

**CURRENT LAW:** The United States Supreme Court, in Giglio v. United States, 405 U.S. 150 (1972), held that due process requires disclosure of evidence that may impact a witness's credibility when the reliability of that witness may be determinative of guilt or innocence.

G.S. 17C-16 and G.S. 17E-16 create a reporting mechanism for written notifications that law enforcement officials receive stating that they may not be called to testify at trial based on bias, interest, or lack of credibility by a judge, district attorney or United States attorney, or agency head (Giglio notification). Any person certified by either the North Carolina Criminal Justice Education and Trainings Standards Commission or the North Carolina Education and Training Standards Commission (Commissions) or who has received conditional offers of employment must provide notice of the Giglio notification to the following:

- The relevant Criminal Justice Standards Division or the Justice Officers' Standards Division (Standards Divisions).
- The person's agency head.

The agency head and notifying authority must also report the Giglio notification to the Standards Divisions. Reports must also be made to the Standards Divisions if the notification is rescinded.

When transferring a person's certification, the Standards Divisions must notify the new agency head and elected district attorneys in the relevant prosecutorial districts of the Giglio notification.

Persons who receive a Giglio notification may apply for a hearing before the superior court for a judicial determination as to whether the person received a notification that the person may not be called to testify based on bias, interest or lack of credibility.

**BILL ANALYSIS:** HB 704 would repeal the statutes that create Giglio notification reporting requirements to the North Carolina Criminal Justice Education and Trainings Standards Commission and the North Carolina Education and Training Standards Commission (Commissions). The Commissions would be required to destroy any notifications already received within 60 days of the effective date of the bill.

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**EFFECTIVE DATE:** HB 704 would become effective when it becomes law.