

Article 54.

Reliability of In-Custody Informant Statements.

§ 15A-985. Corroboration of in-custody informant statement.

(a) Definition. – As used in this section, the term "in-custody informant" means a person, other than a codefendant, accomplice, or coconspirator, whose testimony is based on statements allegedly made by the defendant while both the defendant and the informant were held within a city or county jail or a State correctional institution or otherwise confined, where statements relate to offenses that occurred outside of the confinement.

(b) Recording of In-Custody Informant Interview. – All interviews of in-custody informants by a law enforcement officer shall be recorded using a visual recording device that provides an authentic, accurate, unaltered, and uninterrupted record of the interview that clearly shows both the interviewer and the in-custody informant. This subsection shall not apply to attorneys for the State or defense conducting an interview as part of trial preparation.

(c) Destruction or Modification of Recording After Appeals Exhausted. – The State shall not destroy or alter any electronic recording of an in-custody informant interview until one year after the completion of all State and federal appeals of the conviction, including the exhaustion of any appeal of any motion for appropriate relief or habeas corpus proceedings. Every electronic recording shall be clearly identified and catalogued by law enforcement personnel. (2023-74, s. 4(a).)