

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-6
HOUSE BILL 3**

AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO
THE EXCLUSIONARY RULE INTO STATE LAW.

The General Assembly of North Carolina enacts:

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

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

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

Evidence shall not be suppressed under this subdivision if the person committing the violation of the provision or provisions under this Chapter acted under the objectively reasonable, good faith belief that the actions were lawful.

(b) The court, in making a determination whether or not evidence shall be suppressed under this section, shall make findings of fact and conclusions of law which shall be included in the record, pursuant to G.S. 15A-977(f)."

SECTION 2. The General Assembly respectfully requests that the North Carolina Supreme Court reconsider, and overrule, its holding in State v. Carter that the good faith exception to the exclusionary rule which exists under federal law does not apply under North Carolina State law.

SECTION 3. This act is effective when it becomes law and applies to all hearings or trials commencing on or after July 1, 2011.

In the General Assembly read three times and ratified this the 8th day of March, 2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 3:07 p.m. this 18th day of March, 2011

