

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 42  
Judiciary II Committee Substitute Adopted 3/28/11

Short Title: Lay Testimony/Child Witness Remote Testimony. (Public)

Sponsors:

Referred to:

February 9, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THAT A COURT MAY RELY SOLELY ON LAY TESTIMONY  
3 WHEN MAKING A DETERMINATION THAT A CHILD WITNESS IN A CRIMINAL  
4 CASE WOULD SUFFER SERIOUS EMOTIONAL DISTRESS AND THE CHILD'S  
5 ABILITY TO COMMUNICATE WITH THE TRIER OF FACT WOULD BE IMPAIRED  
6 BY TESTIFYING IN THE DEFENDANT'S PRESENCE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 15A-1225.1 is amended by adding a new subsection to read:

9 "(b1) At the evidentiary hearing pursuant to subsection (c) of this section, the court shall  
10 not require that expert testimony be presented by either the State or the defendant, and may  
11 make its determination based solely upon lay testimony whether or not expert testimony is  
12 presented."

13 **SECTION 2.** This act becomes effective October 1, 2011, and applies to criminal  
14 proceedings pending on or after that date. Nothing in this act is intended to amend or alter the  
15 evidentiary rules applicable to proceedings occurring prior to the effective date of this act.

