

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 783*

Short Title: T.V. Testimony.

(Public)

Sponsors: Senator Shaw.

Referred to: Judiciary II.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A CHILD VICTIM MAY TESTIFY IN COURT IN CERTAIN CRIMINAL CASES BY MEANS OF CLOSED CIRCUIT TELEVISION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 15A of the General Statutes is amended by adding a new Article to read:

“ARTICLE 61.1.

“TESTIMONY BY CLOSED CIRCUIT TELEVISION.

“§ 15A-1056. Testimony of child victim in certain cases by means of closed circuit television.

(a) In a case in which a defendant is accused of physical or sexual abuse of a child, a court may order that the testimony of a child victim be taken outside the courtroom and shown in the courtroom by means of closed circuit television if: (i) the testimony is taken during the proceeding; and (ii) the judge determines that testimony by the child victim in the courtroom in the presence of the defendant will result in the child suffering serious emotional distress such that the child cannot reasonably communicate. Only the prosecuting attorney, attorney for the defendant, and judge may question the child.

(b) Only the following persons may be in the room with the child when the child testifies by closed circuit television:

- (1) The prosecuting attorney.
(2) The attorney for the defendant.
(3) The operators of the closed circuit television equipment.

1 (4) Any person whose presence, in the discretion of the court, contributes
2 to the reliability of the child's testimony, including the child's parent or
3 guardian, guardian **ad litem**, and a person who has dealt with the child
4 in a therapeutic setting concerning the abuse.

5 (c) During the child's testimony by closed circuit television, the judge and the
6 defendant shall be in the courtroom. The judge and the defendant shall be allowed to
7 communicate with the persons in the room where the child is testifying by any
8 appropriate electronic method.

9 (d) This section may not be interpreted to preclude, for purposes of identification
10 of a defendant, the presence of both the victim and the defendant in the courtroom at the
11 same time.

12 (e) This section does not apply if the defendant is representing himself without
13 the benefit of counsel.

14 (f) For purposes of this section a child is an individual who is less than 18 years
15 old."

16 Sec. 2. This act becomes effective October 1, 1991, and applies to offenses
17 occurring on or after that date.