

Article 46.
Crime Victims' Rights Act.

§ 15A-830. Definitions.

- (a) The following definitions apply in this Article:
- (1) Accused. – A person who has been arrested and charged with committing a crime covered by this Article.
 - (2) Arresting law enforcement agency. – The law enforcement agency that makes the arrest of an accused.
 - (3) Custodial agency. – The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, facilities designated under G.S. 122C-252 for the custody and treatment of involuntary clients, or the Division of Adult Correction of the Department of Public Safety.
 - (4) Investigating law enforcement agency. – The law enforcement agency with primary responsibility for investigating the crime committed against the victim.
 - (5) Law enforcement agency. – An arresting law enforcement agency, a custodial agency, or an investigating law enforcement agency.
 - (6) Next of kin. – The victim's spouse, children, parents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed or the person is found not guilty.
 - (7) Victim. – A person against whom there is probable cause to believe one of the following crimes was committed:
 - a. A Class A, B1, B2, C, D, or E felony.
 - b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.3; 14-43.11; 14-202.1; 14-277.3A; 14-288.9; 20-138.5; former G.S. 14-190.19; or former G.S. 14-277.3.
 - c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; or 14-87.1.
 - d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-33.2; 14-34.6(b); 14-190.17A; 14-277.3A; former G.S. 14-32.3(c); or former G.S. 14-277.3.
 - e. A Class I felony if it is a violation of G.S. 14-32.3(b).
 - f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.
 - g. Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a); 14-34; 14-134.3; 14-277.3A; or former G.S. 14-277.3.
 - h. Any violation of a valid protective order under G.S. 50B-4.1.
- (b) If the victim is deceased, then the next of kin, in the order set forth in the definition contained in this section, is entitled to the victim's rights under this Article. However, the right contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's estate. An individual entitled to exercise the victim's rights as a member of the class of next of kin may designate anyone in the class to act on behalf of the class. (1998-212, s. 19.4(c);

2001-433, s. 1; 2001-487, s. 120; 2001-518, s. 2A; 2006-247, s. 20(e); 2007-116, s. 2; 2007-547, s. 2; 2009-58, s. 3; 2011-145, s. 19.1(h); 2014-115, s. 2.1(a).)