

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE DRH70119-LH-140 (03/24)

Short Title: Preserve Biological Evidence/Custodial Agency.

(Public)

Sponsors: Representative Glazier.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE RESPONSIBILITY OF A STATE
3 AGENCY WITH REGARD TO THE PRESERVATION AND INVENTORY OF
4 BIOLOGICAL EVIDENCE IN THE AGENCY'S CUSTODY.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** G.S. 15A-268(a1) reads as rewritten:
7 "(a1) Notwithstanding any other provision of law and subject to subsection (b) of this
8 section, a custodial agency shall preserve any physical ~~evidence~~evidence, regardless of the
9 date of collection, that is reasonably likely to contain any biological evidence collected in the
10 course of a criminal investigation or prosecution. Evidence shall be preserved in a manner
11 reasonably calculated to prevent contamination or degradation of any biological evidence that
12 might be present, subject to a continuous chain of custody, and securely retained with sufficient
13 official documentation to locate the evidence."
14 **SECTION 2.** G.S. 15A-268(a7) reads as rewritten:
15 "(a7) Upon written request by the defendant, the custodial agency shall prepare an
16 inventory of biological evidence relevant to the defendant's case that ~~has been preserved~~
17 pursuant to this section is in the custodial agency's custody. If the evidence was destroyed
18 through court order or other written directive, the custodial agency shall provide the defendant
19 with a copy of the court order or written directive."
20 **SECTION 3.** This act is effective when it becomes law.

