

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 315

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S315-ASA-85 [v.1]

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Amends Title [NO]
Ninth Edition

Date _____, 2019

Representative John

1 moves to amend the bill on page 17, lines 43-44, by inserting between the lines the following:

2
3 **"CLARIFY LEGALITY OF EVIDENCE**

4 **SECTION 11.5(a).** G.S. 15A-974 reads as rewritten:

5 **"§ 15A-974. Exclusion or suppression of unlawfully obtained evidence.**

6 (a) Upon timely motion, evidence must be suppressed if:

- 7 (1) Its exclusion is required by the Constitution of the United States or the
- 8 Constitution of the State of North Carolina; or
- 9 (2) It is obtained as a result of a substantial violation of the provisions of this
- 10 Chapter. In determining whether a violation is substantial, the court must
- 11 consider all the circumstances, including:
 - 12 a. The importance of the particular interest violated;
 - 13 b. The extent of the deviation from lawful conduct;
 - 14 c. The extent to which the violation was willful;
 - 15 d. The extent to which exclusion will tend to deter future violations of
 - 16 this Chapter.

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

21 (a1) If evidence was obtained as the result of a search that was supported by probable
22 cause at the time of the search, no evidence obtained as a result of that search shall be suppressed
23 solely on the basis of either of the following:

- 24 (1) A subsequent determination that a substance believed to be a controlled
- 25 substance at the time of the search was not a controlled substance.
- 26 (2) A subsequent determination that the presence of a controlled substance at the
- 27 time of the search was not a violation of law.

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

31 **SECTION 11.5(b).** This section becomes effective December 1, 2019, and applies
32 to motions filed on or after that date."



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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
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