



## NORTH CAROLINA

N.C. GEN. STAT. § 8-53.12

**Type of Privilege:** Qualified by statute

**Privilege:**

- No agent of a rape crisis center shall be required to disclose any information which the agent acquired during the provision of services to a victim of sexual assault without the consent of the victim
- Privilege terminates upon the death of the victim N.C. GEN. STAT. § 8-53.12(b).

**Statutory Exceptions to Privilege:**

- Mandatory reporting of abuse or neglect of a child or disabled adult N.C. GEN. STAT. § 8-53.12 (c)
- Any resident or presiding judge in the district in which the action is pending shall compel disclosure, either at the trial or prior thereto, if the court finds, by a preponderance of the evidence, a good faith, specific and reasonable basis for believing that (i) the records or testimony sought contain information that is relevant and material to factual issues to be determined in a civil proceeding, or is relevant, material, and exculpatory upon the issue of guilt, degree of guilt, or sentencing in a criminal proceeding for the offense charged or any lesser included offense, (ii) the evidence is not sought merely for character impeachment purposes, and (iii) the evidence sought is not merely cumulative of other evidence or information available or already obtained by the party seeking the disclosure or the party's counsel. N.C. GEN. STAT. § 8-53.12(b).

**In Camera Review:** Provided for by statute

- Procedure:
  - The court must find that the party seeking disclosure has made a sufficient showing that the records are likely to contain information subject to disclosure
  - Sufficient showing means a good faith, specific, and reasonable basis for believing that:
    - The requested records or testimony contain information that is relevant, material, and exculpatory,
    - The requested records are not being sought merely for character impeachment purposes, and
    - The requested records are not merely cumulative of other evidence or information available or already obtained by the party seeking disclosure
  - If the court finds that a sufficient showing has been made, the court will conduct an in camera examination of the records
  - The court will allow disclosure of those portions of the records that contain information subject to disclosure
  - Any records received by the court will be returned to the rape crisis center unless otherwise ordered by the court N.C. GEN. STAT. § 8-53.12 (c)

**Holder of Privilege:**

- Only victim may waive the privilege N.C. GEN. STAT. § 8-53.12 (b)

**Waiver of Privilege:** No procedure specified

**DEFINITIONS:**

**Confidential Communication:** No definition specified

**Rape Crisis Center:**



- Any public or private organization that offers counseling and other services to victims of sexual assault and their families N.C. GEN. STAT. § 8-53.12 (a) (5)
- Services must include, but are not limited to, crisis hotlines, children of violence services, individual counseling, support in medical, judicial, and administrative systems, transportation, and crisis intervention N.C. GEN. STAT. § 8-53.12 (a) (6)

**Rape Crisis Counselor:**

- An employee or volunteer at a rape crisis center N.C. GEN. STAT. § 8-53.12 (a) (1)

**Training Requirements for Rape Crisis Counselors:**

- At least 20 hours of training N.C. GEN. STAT. § 8-53.12 (a) (1)