

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 953

Short Title: Double Jeopardy Expanded.

(Public)

Sponsors: Senator Ballance.

Referred to: Election Laws.

April 19, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON MAY NOT BE PROSECUTED FOR A
2 STATE CRIMINAL OFFENSE IF HE HAS PREVIOUSLY BEEN PLACED IN
3 JEOPARDY BY PROSECUTION FOR A FEDERAL CRIMINAL OFFENSE
4 BASED ON THE SAME ACT OR CONDUCT, UNLESS EACH OFFENSE
5 REQUIRES PROOF OF AN ELEMENT THAT IS NOT REQUIRED BY THE
6 OTHER.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 15A-954(a) is amended by adding a new subdivision to read:

10 "(5a) The defendant has been previously placed in jeopardy by prosecution
11 for a federal criminal offense based on the same act or conduct that
12 constitutes the State criminal offense, unless each offense requires
13 proof of a fact not required by the other. "

14 Sec. 2. This act is effective upon ratification.