GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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SENATE BILL 972* Judiciary I Committee Substitute Adopted 4/29/03

Short Title: Execution Delay/Study. (Public) Sponsors: Referred to: April 3, 2003 1 A BILL TO BE ENTITLED AN ACT TO DELAY THE SETTING OF EXECUTIONS FOR A DEFINITE PERIOD 2 3 AND TO STUDY ISSUES RELATING TO THE DEATH SENTENCE. 4 Whereas, the Chief Justice of the North Carolina Supreme Court has recently established a Commission on Actual Innocence to study the problems of innocent 5 people being convicted of crimes under our State's system of criminal justice, and to 6 7 recommend legislative and policy changes to attempt to correct any injustices; and Whereas, factors that may affect the fair and impartial administration of the 8 9 death penalty include the following: The adequacy of counsel for those on death row in all stages of capital 10 (1)cases and a risk of executing the innocent due to problems with counsel appointed prior to the enactment of current guidelines and 12 qualifications. 13 The potential effect of the locale of a crime on the probability that a 14 (2)15 prosecutor decides to try a homicide as a capital case. Proportionality in the use of the death penalty, including the 16 (3) relationship between death sentences and individual culpability for the 17 crimes. 18 19 (4) Possible prosecutorial misconduct. The costs of the death penalty system. 20 (5) Possible discrimination in death penalty sentencing based on either the 21 (6) 22 victim's race or the defendant's race as well as possible discrimination with regard to other aspects of capital case processing; and 23 24 Whereas, the Final Report to the 2001 General Assembly by the Legislative Research Commission's Study on Capital Punishment - Mentally Retarded and Race 25 Basis included a recommendation that there be a moratorium on carrying out the death 26 27 penalty, and that matters relating to the imposition of the death penalty be further 28 studied. Now, therefore,

The General Assembly of North Carolina enacts: 29

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2	provision of State law, the Secretary of Correction shall not set any date prior to June 1,	
3	2005, for the execution for any person that has been sentenced to death under State law.	
4	SECTION 2. The General Assembly or its designees shall conduct a study	
5	to examine issues regarding the imposition of a death sentence under North Carolina	
6	law, including:	
7	(1) The adequacy of counsel in all	stages of capital cases, and the
8	sufficiency of guidelines for the app	pointment and performance of such
9	counsel.	
10	(2) The process for judicial review of the	ne merits of constitutional claims in
11	State postconviction and federal hab	peas corpus proceedings.
12	(3) Any disproportionate racial impact	t from any aspect of capital case
13	processing.	
14	(4) Whether there is discrimination in	capital sentencing on the basis of
15	the victim's or the defendant's race.	
16	(5) Prosecutorial misconduct as a fact	or in the imposition of the death
17	penalty.	
18	(6) The presence of innocent persons or	h death row.
19	(7) Any other appropriate or relevant su	ıbject.
20	SECTION 3. This act is effective when it becomes law.	