

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 950

Short Title: Jury Instructions/Life Sentences.

(Public)

Sponsors: Representative Rhyne.

Referred to: Judiciary I.

April 19, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT CONCERNING JURY INSTRUCTIONS ON LIFE SENTENCES IN  
3 CAPITAL CASES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 15-176.4 is repealed.

6 Sec. 2. Article 17A of Chapter 15 of the General Statutes is amended by  
7 adding a new section to read:

8 "**§ 15-176.4A. Instructions to jury in capital cases.**

9 At any proceeding to determine punishment for a capital felony conviction, the court  
10 shall give the jury an instruction in substantially the following form:

11 'A sentence of life imprisonment means that the defendant may  
12 spend the remainder of his life in prison or that he may at some point be  
13 paroled. The defendant will be eligible for parole consideration only after  
14 he has served 20 years in prison. However, he will at no time be entitled  
15 to parole as a matter of right.

16 Once the defendant becomes eligible for parole consideration, it  
17 becomes the obligation of the Parole Commission to determine whether or  
18 not the defendant will be paroled. Our law provides the Parole  
19 Commission with certain criteria to consider in determining whether or  
20 not the defendant will be paroled. In any event, you must assume that the  
21 Parole Commission will perform its duties in a correct and responsible  
22 manner.

23 You have been given these instructions so that you will have a  
24 general understanding of the meaning of a sentence of life imprisonment.

1                   You are now instructed however, that the matter of parole is not to be  
2                   considered by you in determining the punishment for the defendant, and  
3                   you may not speculate as to if, or when, parole will or will not be granted.  
4                   Your sole function is to determine whether the defendant will receive the  
5                   death penalty or whether the defendant will be sentenced to life  
6                   imprisonment.'

7                   Nothing herein shall limit the court's authority to further accurately instruct the jury  
8                   regarding parole as the facts of the case may warrant."

9                   Sec. 3. This act becomes effective October 1, 1991, and applies to trials  
10                  occurring on or after that date.