

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS35193-LH-121A* (3/20)

Short Title: Moratorium on Executions for Two Years. (Public)

Sponsors: Senators Kinnaird; Carpenter, Holloman, Shaw, Clodfelter, Dorsett, Malone, Dannelly, Gulley, and Lucas.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A TWO YEAR MORATORIUM ON EXECUTIONS.

Whereas, the Chief Justice of the North Carolina Supreme Court and the Attorney General for the State of North Carolina have both recognized that innocent people have been convicted and incarcerated under current North Carolina law; and

Whereas, the Chief Justice of the North Carolina Supreme Court and the Attorney General for the State of North Carolina therefore have recently established a Commission on Actual Innocence to study the problems of innocent people being convicted of crimes under our State's system of criminal justice and further to recommend legislative and policy changes to attempt to correct any injustices; and

Whereas, factors that may have affected the fair and impartial administration of the death penalty include all of the following:

- (1) The adequacy of counsel for those on death row in all stages of capital cases and the increased risk of executing the innocent due to problems with counsel appointed prior to the enactment of current guidelines and qualifications.
- (2) The effect of the locale of a crime on the probability that a prosecutor decides to try a homicide as a capital case.
- (3) Proportionality in the use of the death penalty, including the relationship between death sentences and individual culpability for the crimes.
- (4) Possible prosecutorial misconduct.
- (5) The costs of the death penalty system.
- (6) Possible discrimination in death penalty sentencing based on either the victim's race or the defendant's race as well as possible discrimination with regard to other aspects of capital case processing. Now, therefore,

1 The General Assembly of North Carolina enacts:

2 **SECTION 1.** Notwithstanding any other provision of law, a moratorium is
3 established with regard to carrying out executions imposed by courts in this State. No
4 person who has been or is sentenced to death by a court of this State shall be executed
5 until the moratorium ends, as provided by this act.

6 **SECTION 2.** The moratorium shall end two years from the effective date of
7 this act. During this time period, the General Assembly or its designees shall examine
8 the issues that underlie the need for the two-year moratorium on executions.

9 **SECTION 3.** This act is effective when it becomes law.