GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

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HOUSE DRH70438-LL-233 (3/27)

| Short Title: | Suspend Execution for Two Years. | (Public) |
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| Sponsors: | Representatives Parmon, Cunningham, Alexander, and Luebke Sponsors). | (Primary |
| Referred to: | | |

| 1 | | A BILL TO BE ENTITLED | | | |
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| 2 | AN ACT TO S | USPEND THE SETTING OF EXECUTIONS FOR TWO YEARS TO | | | |
| 3 | ALLOW FO | OR THE EVALUATION OF PROPOSED LEGISLATIVE REFORMS | | | |
| 4 | OF CAPITA | L PUNISHMENT IN THIS STATE. | | | |
| 5 | Wher | eas, the Chief Justice's Actual Innocence Commission and the Office of | | | |
| 6 | • | se Services have begun a process of reforms and recommendations | | | |
| 7 | designed to ensure fairness and to protect innocent defendants at trial, reforms that were | | | | |
| 8 | not in place at the time that most of the persons currently on death row were convicted | | | | |
| 9 | and sentenced to | o die; and | | | |
| 10 | | eas, other significant legislative reforms of the capital punishment | | | |
| 11 | • | en proposed that may affect the fair and impartial administration of the | | | |
| 12 | _ • | d reduce the risk of executing innocent persons; and | | | |
| 13 | | eas, those proposed reforms address the following areas of concern, | | | |
| 14 | among others: | | | | |
| 15 | (1) | The risk that inmates will be subject to cruelty by the administration of | | | |
| 16 | | lethal injection. | | | |
| 17 | (2) | The adequacy of counsel for those on death row in all stages of capital | | | |
| 18 | | cases and the risk of executing the innocent due to problems with | | | |
| 19 | | counsel appointed prior to the enactment of the current guidelines and | | | |
| 20 | | qualification requirements. | | | |
| 21 | (3) | Proportionality in the use of the death penalty, including the | | | |
| 22 | | relationship between death sentences and individual culpability for the | | | |
| 23 | | crimes. | | | |
| 24 | (4) | The broad scope of first degree murder, including those persons who | | | |
| 25 | | did not kill or intend to kill. | | | |

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| 1 | (5) Possible discrimination in death penalty sentencing based upon either |
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| 2 | the victim's race or the defendant's race, as well as possible |
| 3 | discrimination with regard to other aspects of capital case processing. |
| 4 | (6) The executions of persons with severe mental illness despite reduced |
| 5 | culpability for their crimes. |
| 6 | (7) The possibility that innocent persons have been sentenced to die and |
| 7 | may be executed; and |
| 8 | Whereas, no executions should be carried out in this State until these |
| 9 | proposed reforms can be debated and acted upon; Now, therefore, |
| 10 | The General Assembly of North Carolina enacts: |
| 11 | SECTION 1. Notwithstanding the provisions of G.S. 15-194 or any other |
| 12 | provision of State law, the Secretary of Correction shall not set any date prior to |
| 13 | September 1, 2009, for the execution of any person who has been sentenced to death. |
| 14 | SECTION 2. This act is effective when it becomes law. |