

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1691**

Short Title: Suspend Execution for Two Years. (Public)

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Sponsors: Representatives Parmon, Cunningham, Alexander, Luebke (Primary Sponsors); Carney, Fisher, Harrison, Ross, Wainwright, Womble, and Wray.

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Referred to: Judiciary I.

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April 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO SUSPEND THE SETTING OF EXECUTIONS FOR TWO YEARS TO  
2 ALLOW FOR THE EVALUATION OF PROPOSED LEGISLATIVE REFORMS  
3 OF CAPITAL PUNISHMENT IN THIS STATE.  
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5 Whereas, the Chief Justice's Actual Innocence Commission and the Office of  
6 Indigent Defense 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 die; and

10 Whereas, other significant legislative reforms of the capital punishment  
11 system have been proposed that may affect the fair and impartial administration of the  
12 death penalty and reduce the risk of executing innocent persons; and

13 Whereas, 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.

- 1           (5) Possible discrimination in death penalty sentencing based upon either  
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.