GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H HOUSE DRH50385-LH-207 (03/26)

Short Title:	Prevent Execution of Innocent Persons.	(Public)
Sponsors:	Representative Hall.	
Referred to:		

1 A BILL TO BE ENTITLED

AN ACT TO PREVENT THE EXECUTION OF INNOCENT PERSONS BY PROVIDING THAT A DEFENDANT MAY ONLY BE TRIED FOR A CAPITAL OFFENSE IF THE STATE PRESENTS CERTAIN INCRIMINATING EVIDENCE PRIOR TO THE PRETRIAL CONFERENCE.

Whereas, eight persons have been sentenced to die in the State of North Carolina and subsequently exonerated; and

Whereas, the large number of potential capital cases annually costs the State of North Carolina tens of millions of dollars for prosecution and defense services and court costs in excess of the cost of handling those cases as noncapital; and

Whereas, prescribing the type of evidence required to return a death sentence reduces the likelihood of executing innocent people and saves millions of dollars annually by reducing the number of people eligible for the death penalty; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-2004 is amended by adding a new subsection to read:

- "(e) Notwithstanding any other provision of law, the State shall not elect to try a defendant capitally unless, on or before the date of the pretrial conference in the capital case required by Rule 24 of the General Rules of Practice for the Superior and District Courts, the State presents evidence of any of the following:
 - (1) Biological evidence or DNA evidence that links the defendant to the act of murder.
 - (2) A videotaped, voluntary interrogation and confession of the defendant to the murder.
 - (3) A video recording that conclusively links the defendant to the murder."

SECTION 2. This act is effective when it becomes law and applies to offenses committed on or after that date.

