

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 942

Short Title: No Capital Case Proportionality Review.

(Public)

Sponsors: Senators Simpson and Hartsell.

Referred to: Judiciary I/Constitution

May 2, 1995

A BILL TO BE ENTITLED

AN ACT TO REPEAL PROPORTIONALITY REVIEW ON DIRECT APPEAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-2000(d) reads as rewritten:

"(d) Review of Judgment and Sentence. –

(1) The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of North Carolina pursuant to procedures established by the Rules of Appellate Procedure. In its review, the Supreme Court shall consider the punishment imposed as well as any errors assigned on appeal.

(2) The sentence of death shall be overturned and a sentence of life imprisonment imposed in lieu thereof by the Supreme Court upon a finding that the record does not support the jury's findings of any aggravating circumstance or circumstances upon which the sentencing court based its sentence of death, or upon a finding that the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor, or upon a finding that the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant. The Supreme Court may suspend consideration of death penalty cases until such time as the court

1 ~~determines it is prepared to make the comparisons required under the~~
2 ~~provisions of this section. factor.~~

3 (3) If the sentence of death and the judgment of the trial court are reversed
4 on appeal for error in the post-verdict sentencing proceeding, the
5 Supreme Court shall order that a new sentencing hearing be conducted
6 in conformity with the procedures of this Article."

7 Sec. 2. This act becomes effective December 1, 1995, and applies to capital
8 sentences rendered on or after that date.