

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH70063-LH-39 (2/2)

Short Title: Death Penalty Study.

(Public)

Sponsors: Representatives Hilton and Johnson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE GENERAL ASSEMBLY OR ITS DESIGNEE TO
STUDY THE ISSUES REGARDING THE IMPOSITION OF A DEATH
SENTENCE UNDER NORTH CAROLINA LAW.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The General Assembly or its designees shall conduct a study to examine issues regarding the imposition of a death sentence under North Carolina law, including all of the following:

- (1) The adequacy of counsel in all stages of capital cases, and the sufficiency of guidelines for the appointment and performance of such counsel.
- (2) The process for judicial review of the merits of constitutional claims in State postconviction and federal habeas corpus proceedings.
- (3) Any disproportionate racial impact from any aspect of capital case processing.
- (4) Whether there is discrimination in capital sentencing on the basis of the victim's or the defendant's race.
- (5) Prosecutorial misconduct as a factor in the imposition of the death penalty.
- (6) The presence of innocent persons on death row.
- (7) Any other appropriate or relevant subject.

SECTION 1.(b) If the General Assembly designates someone else to conduct the study authorized by this section, then the designee may make an interim report to the 2005 General Assembly, Regular Session 2006, and shall make a final report of the findings and recommendations of the study to the 2007 General Assembly.

SECTION 2. This act is effective when it becomes law.