

1 two-year period, the study authorized by Section 2 of this act shall be undertaken and
2 the results reported to the General Assembly.

3 **SECTION 2.** The General Assembly or its designees shall conduct a
4 two-year study to examine issues regarding the imposition of a death sentence under
5 North Carolina law, including:

6 (1) The adequacy of counsel in all stages of capital cases, and the
7 sufficiency of guidelines for the appointment and performance of such
8 counsel appointed prior to the enactment of current guidelines and
9 qualifications.

10 (2) The process for judicial review of the merits of constitutional claims in
11 State postconviction and federal habeas corpus proceedings.

12 (3) Any disproportionate racial impact from any aspect of capital case
13 processing.

14 (4) Whether there is discrimination in capital sentencing on the basis of
15 the victim's or the defendant's race.

16 (5) Prosecutorial misconduct as a factor in the imposition of the death
17 penalty.

18 (6) The presence of innocent persons on death row.

19 (7) Any other appropriate or relevant subject.

20 **SECTION 3.** Notwithstanding the suspension of executions in Section 1
21 above, nothing in this act shall prevent the prosecution of capital cases at trial or appeal,
22 nor the imposition of a sentence of death during the period of suspension of executions.

23 **SECTION 4.** This act is effective when it becomes law and applies only to
24 cases in which a death sentence was imposed prior to January 1, 2005.