

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 341  
Second Edition Engrossed 5/24/07

Short Title: Proportionality Review. (Public)

Sponsors: Representatives Glazier, Wainwright, Earle, Parmon (Primary Sponsors);  
Adams, Alexander, Bordsen, Bryant, Coleman, Cunningham, Faison,  
Farmer-Butterfield, Goodwin, Harrison, Insko, Jones, Lucas, McAllister,  
Pierce, Underhill, Weiss, Womble, and Wright.

Referred to: Judiciary II.

February 22, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE SUPREME COURT IN CONDUCTING THE  
PROPORTIONALITY REVIEW REQUIRED BY LAW SHALL CONSIDER NOT  
ONLY THOSE CAPITAL CASES IN WHICH THE DEATH PENALTY WAS  
IMPOSED BUT ALSO FACTUALLY SIMILAR CASES IN WHICH THE  
SENTENCE OF LIFE IMPRISONMENT WAS IMPOSED.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-2000(d) is amended by adding a new subdivision to  
read:

"(2a) In determining whether a sentence of death imposed under this section  
is disproportionate, the Supreme Court shall consider and compare  
factually similar cases that have been reviewed on appeal by the  
Supreme Court or the Court of Appeals. In addition to cases in which  
the jury recommended the death penalty, the reported cases compared  
by the Supreme Court shall include those cases determined to be  
capital based on the commission of a felony in which the jury  
recommended life imprisonment."

**SECTION 2.** The reported cases in which the jury recommended life  
imprisonment required to be compared by Section 1 of this Act shall be limited to cases  
in which the jury recommended life imprisonment on or after the effective date of this  
Act.

**SECTION 3.** This act is effective when it becomes law and applies to all  
capital cases not yet decided by the Supreme Court on direct appeal.