

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 348

Short Title: Waive Jury Trial/Const. Amend./AB.

(Public)

Sponsors: Senators Wellons; Ballance, Carpenter, Dalton, Gulley, Jenkins, Jordan, Kinnaird, Lucas, Rand, Reeves, Shaw of Cumberland, and Weinstein.

Referred to: Judiciary.

March 10, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW
2 A CRIMINAL DEFENDANT IN A NONCAPITAL CASE TO WAIVE A JURY
3 TRIAL.
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5 The General Assembly of North Carolina enacts:

6 Section 1. Section 24 of Article I of the Constitution of North Carolina reads
7 as rewritten:

8 "Sec. 24. Right of jury trial in criminal cases.

9 No person shall be convicted of any capital crime but by the unanimous verdict of a
10 jury in open court. A person charged with a noncapital crime has the right to a trial by
11 jury, but the person may waive that right as provided by law. The General Assembly
12 may, however, provide for other means of trial for misdemeanors, with the right of appeal
13 for trial de novo."

14 Section 2. G.S. 15A-1201 reads as rewritten:

15 "**§ 15A-1201. Right to trial by jury.**

16 In all criminal cases the defendant has the right to be tried by a jury of 12 whose
17 verdict must be unanimous. In the district court the judge is the finder of fact in criminal
18 cases, but the defendant has the right to appeal for trial de novo in superior court as
19 provided in G.S. 15A-1431. In superior court all criminal trials in which the defendant

1 enters a plea of not guilty must be tried before a ~~jury~~-jury, unless the defendant waives
2 the right to a trial by jury in writing with the approval of the court and the consent of the
3 State. In any criminal case in which trial by jury is waived in superior court, the trial
4 shall be heard and judgment rendered by the court."

5 Section 3. The amendment set out in Section 1 of this act shall be submitted to
6 the qualified voters of the State at the general election in November 1998, which election
7 shall be conducted under the laws then governing elections in the State. Ballots, voting
8 systems, or both may be used in accordance with Chapter 163 of the General Statutes.
9 The question to be used in the voting systems and ballots shall be:

10 **"[] FOR [] AGAINST**

11 Constitutional amendment to allow a defendant in a noncapital criminal case to
12 waive a jury trial."

13 Section 4. If a majority of the votes cast on the question are in favor of the
14 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
15 amendment to the Secretary of State. The amendment becomes effective upon this
16 certification and applies to criminal offenses committed on or after January 1, 1999. The
17 Secretary of State shall enroll the amendment so certified among the permanent records
18 of that office.

19 Section 5. Section 2 of this act becomes effective only if the constitutional
20 amendment described in Section 1 is approved under Sections 3 and 4 of this act. If the
21 constitutional amendment is approved, then Section 2 becomes effective January 1, 1999,
22 and applies to criminal offenses committed on or after that date. The remainder of this
23 act is effective when it becomes law.