

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

14 **SECTION 3.(d)** Vacancies. – Any vacancy on the Commission shall be
15 filled by the appointing authority.

16 **SECTION 3.(e)** Cochairs. – Cochairs of the Commission shall be designated
17 by the Speaker of the House of Representatives and the President Pro Tempore of the
18 Senate from among their respective appointees. The Commission shall meet upon the
19 call of the chairs. A quorum of the Commission shall be six members.

20 **SECTION 3.(f)** Expenses of Members. – Members of the Commission shall
21 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
22 138-5, or 138-6, as appropriate.

23 **SECTION 3.(g)** Staff. – The Legislative Services Office shall assign
24 professional and clerical staff to the assist the Commission in its work.

25 **SECTION 3.(h)** Consultants. – The Commission may hire consultants to
26 examine specific issues and subjects related to the study, in accordance with G.S.
27 120-32.02.

28 **SECTION 3.(i)** Meetings During Legislative Session. – The Commission
29 may meet during a regular or extra session of the General Assembly, subject to approval
30 of the Speaker of the House of Representatives and the President Pro Tempore of the
31 Senate.

32 **SECTION 3.(j)** Meeting Location. – The Commission may meet at various
33 locations around the State in order to promote greater public participation in its
34 deliberations. The Legislative Services Commission shall grant adequate meeting space
35 to the Commission in the State Legislative Building or the Legislative Office Building.

36 **SECTION 3.(k)** Report. – The Commission shall submit a final report of its
37 findings and recommendations to the President Pro Tempore of the Senate, the Speaker
38 of the House of Representatives, the Governor, and the Attorney General no later than
39 February 1, 2003. Upon the filing of its final report, the Commission shall terminate.

40 **SECTION 4.** There is appropriated from the General Fund to the Legislative
41 Services Commission the sum of fifty thousand dollars (\$50,000) for the 2001-2002

1 fiscal year and the sum of fifty thousand dollars (\$50,000) for the 2002-2003 fiscal year
2 to fund the expenses of the Commission.

3 **SECTION 5.** Sections 1, 2, and 5 of this act are effective when it becomes
4 law. Sections 3 and 4 of this act become effective July 1, 2001.