

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 123

Short Title: Death Penalty/Proportionality Review. (Public)

Sponsors: Representatives Glazier, Blue, Ross, Parmon (Primary Sponsors); Adams, K. Alexander, M. Alexander, Bryant, Cotham, Faison, Fisher, E. Floyd, Harrison, Insko, Jones, Lucas, Luebke, Mackey, Wainwright, Weiss, and Wray.

Referred to: Judiciary II.

February 12, 2009

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.

