

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 945

Short Title: Resetting Execution Date.

(Public)

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Sponsors: Representative Braswell.

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Referred to: Judiciary II.

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April 12, 1995

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE MANNER IN WHICH AN EXECUTION DATE IS  
2 RESET FOR A PERSON WHO HAS BEEN SENTENCED TO DEATH AND  
3 WHOSE SENTENCE HAS BEEN AFFIRMED AND ANY STAY OF EXECUTION  
4 HAS EXPIRED.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 15-194 reads as rewritten:

8 "**§ 15-194. Time for execution.**

9 ~~Whenever~~ Upon receiving notification that the Supreme Court has filed an opinion  
10 upholding the sentence of death, or a stay of execution granted by any competent judicial  
11 tribunal or proceeding has expired or been terminated, or a reprieve by the Governor has  
12 expired or been terminated, ~~a hearing shall be held in a superior court anywhere within the~~  
13 ~~district where the case was tried to fix a new date for the execution of the original sentence. The~~  
14 ~~district attorney shall promptly calendar such hearing. The condemned person shall be present at~~  
15 ~~the hearing unless the condemned person has an attorney appearing at the hearing. The judge~~  
16 ~~shall set the date of execution for not less than 60 days nor more than 90 days from the date of~~  
17 ~~the hearing. The hearing may be conducted, whether or not in session, by any regular or special~~  
18 ~~superior court judge resident in the district or assigned to hold court in this district wherever the~~  
19 ~~case is docketed. The order fixing the date shall be recorded in the minutes of the court, and the~~  
20 ~~clerk of the superior court shall immediately send a certified copy to the warden of the State~~

1 ~~penitentiary, at Raleigh.~~ terminated, the warden of the State penitentiary at Raleigh shall  
2 forthwith fix a new date for the execution of the original sentence not less than 30 days  
3 nor more than 45 days from the date of receiving that notification. The warden shall send  
4 a certified copy of the document fixing the date to the clerk of superior court of the  
5 county in which the case was tried, and that certified copy shall be recorded in the  
6 minutes of the court. The ~~clerk~~-warden shall also send certified copies to the condemned  
7 person, the condemned person's attorney, and the district attorney who prosecuted the  
8 case."

9           Sec. 2. This act is effective upon ratification and shall apply to all sentences of  
10 death imposed on or after ratification.