

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 564

Short Title: Resetting Execution Date.

(Public)

Sponsors: Senator Odom.

Referred to: Judiciary I/Constitution

April 3, 1995

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MANNER IN WHICH AN EXECUTION DATE IS
RESET FOR A PERSON WHO HAS BEEN SENTENCED TO DEATH AND
WHOSE SENTENCE HAS BEEN AFFIRMED AND ANY STAY OF EXECUTION
HAS EXPIRED.

The General Assembly of North Carolina enacts:

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

"§ 15-194. Time for execution.

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