GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

HOUSE BILL 140*

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Sponsors: Representatives Sutton, Fitch, Luebke; Alexander, Boyd-McIntyre, Goodwin, Hackney, Hall, Insko, Lucas, McAllister, Wainwright, Weiss, and Womble. Referred to: Judiciary I. February 15, 2001 1 A BILL TO BE ENTITLED 2 AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF 3 CAPITAL SENTENCES, AS RECOMMENDED BY THE LEGISLATIVE 4 RESEARCH COMMISSION. 5 The General Assembly of North Carolina enacts: 6 SECTION 1. Chapter 15A of the General Statutes is amended by adding a 7 new Article to read: 8 "Article 101. 9 "North Carolina Racial Justice Act. 10 r§15A-2010. North Carolina Racial Justice Act. 11 No person shall be subject to or given a sentence of death that was sought or obtained on the basis of race. 12 §15A-2011. Pretrial procedures. 13 (a) A finding that race was the basis of the decision to seek a death sentence may be established if the count finds that race was a significant factor in decisions to seek the sentence of death in the county, the prosecutorial district, or the State at large, at the time the death sentence may include statistical evidence or other evidence, or both, that irrespective of statutory factors death sentences were sought significantly more frequently: 11		Short Title:	Racial Justice Act. (Public)	
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GENERAL ASSEMBLY OF NORTH CAROLINA

1	sentence in his or her case. The claim shall be raised by the defendant at the pretrial
2	conference. The court shall schedule a hearing on the claim and shall prescribe a time
3	for the submission of evidence by both parties. If the court finds that race was the basis
4	of the decision to seek the death sentence, the court shall order that a death sentence
5	shall not be sought.
6	(d) The defendant has the burden of proving by clear and convincing evidence
7	that race was the basis of the decision to seek the death penalty. The State may offer
8	evidence in rebuttal of the claims or evidence of the defendant.
9	" <u>§ 15A-2012. Posttrial procedure.</u>
10	(a) A finding that race was an improper basis upon which a death sentence was
11	obtained may be established if the court finds that race was a significant factor in
12	decisions to exercise peremptory challenges during jury selection.
13	(b) Evidence relevant to establish a finding that race was a significant factor in
14	decisions to exercise peremptory challenges during jury selection may include
15	statistical evidence, or other evidence, or both. Evidence may include sworn testimony
16	of attorneys, prosecutors, and/or law enforcement officers or other members of the
17	criminal justice system."
18	SECTION 2. This act is effective when it becomes law and applies
19	retroactively.