

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-392
SENATE BILL 109**

**AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT
RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE
ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES.**

The General Assembly of North Carolina enacts:

SECTION 1. The Supreme Court is respectfully requested to adopt rules to improve North Carolina's system of capital punishment by establishing minimum standards of training and experience for court-appointed defense attorneys, prosecutors, and judges handling capital cases. These rules should specify the minimum number of years of legal experience and the minimum amount of felony case experience required of any court-appointed defense attorney, prosecutor, or judge participating in the trial of a capital case, and may also require specialized training in capital case litigation for any or all of those participants in capital trials.

SECTION 2. G.S. 7A-498.5(c) reads as rewritten:

"(c) The Commission shall develop standards governing the provision of services under this Article. The standards shall include:

- (1) Standards for maintaining and operating regional and district public defender offices and appellate defender offices, including requirements regarding qualifications, training, and size of the legal and supporting staff;
- (2) Standards prescribing minimum experience, training, and other qualifications for appointed counsel;
- (3) Standards for public defender and appointed counsel caseloads;
- (4) Standards for the performance of public defenders and appointed counsel;
- (5) Standards for the independent, competent, and efficient representation of clients whose cases present conflicts of interest, in both the trial and appellate courts;
- (6) Standards for providing and compensating experts and others who provide services related to legal representation;
- (7) Standards for qualifications and performance in capital ~~cases~~; cases, consistent with any rules adopted by the Supreme Court; and
- (8) Standards for determining indigency and for assessing and collecting the costs of legal representation and related services."

SECTION 3. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 15th day of August, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 5:41 p.m. this 26th day of August, 2001