

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 1256\*

Short Title: Waive Jury Trial/Constitutional Amendment.

(Public)

Sponsors: Senators Odom; Clodfelter and Kinnaird.

Referred to: Judiciary II.

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW  
A CRIMINAL DEFENDANT IN A NONCAPITAL CASE TO WAIVE A JURY  
TRIAL, AS RECOMMENDED BY THE NORTH CAROLINA COURTS  
COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 24 of Article I of the North Carolina Constitution  
reads as rewritten:

**"Sec. 24. Right of jury trial in criminal cases.**

No person shall be convicted of any capital crime but by the unanimous verdict of a  
jury in open court. A person charged with a noncapital crime has the right to a trial by  
jury, but the person may waive that right as provided by law."

The General Assembly may, however, provide for other means of trial for  
misdemeanors, with the right of appeal for trial de novo."

**SECTION 2.** G.S. 15A-1201 reads as rewritten:

**"§ 15A-1201. Right to trial by jury.**

In all criminal cases the defendant has the right to be tried by a jury of 12 whose  
verdict must be unanimous. In the district court the judge is the finder of fact in criminal  
cases, but the defendant has the right to appeal for trial de novo in superior court as  
provided in G.S. 15A-1431. In superior court all criminal trials in which the defendant  
enters a plea of not guilty must be tried before a ~~jury.~~ jury, unless the defendant is  
charged with a noncapital crime and waives the right to a trial by jury in writing. In any  
noncapital criminal case in which trial by jury is waived in superior court, the trial shall  
be heard and judgment rendered by the court."

**SECTION 3.** The amendment set out in Section 1 of this act shall be  
submitted to the qualified voters of the State at the general election in November 2002,  
which election shall be conducted under the laws then governing elections in the State.  
Ballots, voting systems, or both may be used in accordance with Chapter 163 of the  
General Statutes. The question to be used in the voting systems and ballots shall be:

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**"[ ] FOR [ ] AGAINST**

Constitutional amendment to allow a defendant in a noncapital criminal case to waive a jury trial."

**SECTION 4.** If a majority of the votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon this certification and applies to criminal offenses committed on or after January 1, 2003. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

**SECTION 5.** Section 2 of this act becomes effective only if the constitutional amendment described in Section 1 is approved under Sections 3 and 4 of this act. If the constitutional amendment is approved, then Section 2 becomes effective January 1, 2003, and applies to criminal offenses committed on or after that date. The remainder of this act is effective when it becomes law.