

April 15, 1999

H 1067. PROS. DISCRETION/CAPITAL SENTENCING (=S 1073). *TO INCREASE THE STATE'S DISCRETION IN CAPITAL SENTENCING.* Adds new GS 15A-2004 to provide that State shall have discretion at any point in prosecution to seek sentence of life imprisonment, despite availability of evidence that would support submission to jury of one or more aggravating circumstances listed in GS 15A-2000(e). If State elects to seek sentence of life imprisonment before trial, trial or hearing on defendant's plea of guilty shall be conducted as noncapital proceeding, and court, on adjudication of defendant's guilt of first-degree murder, shall impose sentence of life imprisonment. If State elects to seek sentence of life imprisonment following adjudication of guilt or on remand of case for capital resentencing, court shall impose sentence of life imprisonment.

Intro. by Sutton.

Ref. to Judiciary III

GS 15A