

April 12, 2001

**H 1117. DA DISCRETION.** *TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO WHETHER TO SEEK THE DEATH PENALTY FOR A CAPITAL CASE.* Adds new section GS 15A-2004 to provide that the district attorney has discretion whether to seek the death penalty for a defendant indicted for first degree murder, even if evidence of aggravating circumstances exists. Also specifies that a district attorney can agree to accept a life sentence at any point prior to adjudication by a jury. If state agrees to accept a life sentence and defendant agrees to plead guilty, trial judge must impose sentence of life imprisonment.

**Intro. by Baddour.**

Ref. to Judiciary II	GS 15A
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April 24, 2001

**H 1117. D A DISCRETION.** Intro. 4/12/01. House committee substitute makes the following changes to 1st edition. Modifies bill to provide that sentence of death may not be imposed upon defendant convicted of capital felony unless the State has given notice of intent to seek the death penalty, which must be given on or before date of pretrial conference required by Rule 24 of General Rules of Practice for Superior and District Courts, or arraignment, whichever is later. Generally continues other provisions of original bill, with technical changes. Changes effective date from when bill becomes law, to July 1, 2002, and makes bill effective to pending cases.

May 22, 2001

**SL 2001-81 (H 1117). DA DISCRETION.** *AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO WHETHER TO SEEK THE DEATH PENALTY FOR A CAPITAL CASE.* Summarized in *Daily Bulletin* 4/12/01 and 4/24/01. Enacted May 17, 2001. Effective July 1, 2001.