

February 15, 2001

**H 141. NO DEATH PENALTY/MENTALLY RETARDED.** *TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.* Adds new GS 15A-2004, providing that no defendant who is mentally retarded shall be sentenced to death. To qualify as mentally retarded, a defendant must have an IQ of 70 or below existing concurrently with impairment in adaptive functioning and manifesting before the age of 18. Requires court to determine before trial whether defendant is mentally retarded and to declare the case noncapital if defendant is so found. Effective Dec. 1, 2001.

**Intro. by Sutton, Fitch, Luebke.**

Ref. to Judiciary I	GS 15A
---------------------	--------