

March 22, 2001

S 647. PROSECUTORIAL DISCRETION/CAPITAL SENTENCING. TO INCREASE THE STATE'S DISCRETION IN CAPITAL SENTENCING. Enacts new GS 15A-2004 allowing state to agree to accept a sentence of life imprisonment for a defendant at any point in the prosecution of a capital case before adjudication by a jury or upon remand of a capital case for resentencing. If state agrees to accept life sentence before trial, defendant's trial or sentencing hearing will be conducted as a noncapital proceeding. Makes additional conforming amendments.

Intro. by Rand.

Ref. to Judiciary I	GS 15A
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April 25, 2001

S 647. PROSECUTORIAL DISCRETION/CAPITAL SENTENCING. Intro. 3/22/01. Senate committee substitute makes the following changes to 1st edition. (1) Adds new provisions to bill's new GS 15A-2004 providing that the state may elect to try a first degree murder defendant noncapitally even if an aggravating circumstance exists. A sentence of death may not be imposed unless the state has given notice of its intention to seek the death penalty, with notice given to the defendant and the court on or before the date of the pretrial conference, or the arraignment, whichever is later. If the state does not give the notice, the court must, upon a conviction of first degree murder, impose a life sentence. (2) Amends GS 15A-2001 to provide that if the defendant pleads guilty and the state has not given the notice, then a life sentence must be imposed. If the defendant pleads guilty and the state has given the notice, then the judge may impose the death penalty or life imprisonment. (3) Makes a corresponding change in GS 15A-2000(a). (4) Changes effective date to July 1, 2001.