

April 2, 2007

H 1291. NC RACIAL JUSTICE ACT. Filed 4/2/07. *TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES.*

Enacts new GS 15A-2010 prohibiting imposing a death sentence or executing an individual pursuant to a judgment that was sought or obtained on the basis of race. Enacts new GS 15A-2011 providing criteria for establishing a finding that race was the basis of the decision to seek the death sentence. Requires that the defendant state with particularity how the evidence supports a claim that race played a significant part in the decision to either seek or impose the death penalty in the defendant's case. Provides that the defendant has the burden of proving by clear and convincing evidence that race was the basis of the decision to seek the death penalty and allows that the state may offer rebuttal of the claims or evidence offered by the defendant. Enacts new 15A-2012 stating that a finding that race was an improper basis upon which a death sentence was obtained may be established if the court determines that race was a significant factor in decisions to exercise preemptory challenges during jury selection and describes evidence relevant to establishing such a finding. Effective when the act becomes law and applies retroactively.

Intro. by Womble, Parmon.

GS 15A