

April 16, 2007

H 1526. STREAMLINED & COST EFFECTIVE CAPITAL CASE ACT. Filed 4/16/07. *TO STREAMLINE AND MAKE MORE COST EFFECTIVE THE DETERMINATION OF WHETHER A FIRST DEGREE MURDER CASE MAY BE TRIED AS A CAPITAL CASE.*

Amends GS 15A-2000(e) to limit aggravating circumstances for capital cases to the following: (1) the defendant was previously convicted of another capital felony; (2) the capital felony was intentionally committed while the defendant was engaged in, attempting to engage in, or fleeing after the commission of a Class A, B1, B2, or C felony; (3) the capital felony was committed in the commission of an act of political terrorism; (4) the capital felony was a murder for hire; (5) the capital felony was knowingly and intentionally committed against a listed person, including a law enforcement officer, judge, or juror, engaged in their official duties; (6) the defendant intentionally tortured the victim for a prolonged period of time and in a gratuitous and depraved manner; (7) the murder for which the defendant was convicted was part of a course of conduct in which the defendant intentionally killed or inflicted serious bodily injury on more than one person. Amends GS 15A-2004 to require the superior court to hold a hearing to determine whether there is substantial evidence of the defendant's guilt and evidence to support an aggravating circumstance before the pretrial conference. The case must be declared non-capital if the court does not find substantial evidence of first degree murder or of an aggravating circumstance. Enacts new GS 15A-2007 prohibiting a person sentenced to death before December 1, 2007, from being executed unless the jury found no aggravating factors other than those set forth above in GS 15A-2000(e). Effective December 1, 2007.

Intro. by Bryant.

GS 15A