

May 21, 2008

H 2417. CRIMES OF TORTURE AND ENFORCED DISAPPEARANCE. Filed 05/21/08. *TO CREATE THE STATUTORY CRIMINAL OFFENSES OF TORTURE AND ENFORCED DISAPPEARANCE AND TO ADD THESE OFFENSES TO THOSE FOR WHICH AN INVESTIGATIVE GRAND JURY MAY BE CONVENED AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.*

Enacts new GS 14-34.9, creating and defining the statutory crimes of torture and enforced disappearance. Defines torture to include its common law definition and also any act by which serious physical or mental pain or suffering is intentionally inflicted by or with the consent or acquiescence of a public official to obtain a confession or punish or intimidate. Excludes pain or suffering from lawful interrogation, detention, arrest, or use of force. Makes statutory torture a class E felony. Defines enforced disappearance as the arrest, detention, or abduction of a person by or with the authorization of a state or a political organization, followed by a refusal to either acknowledge the deprivation or give information about the person's fate or whereabouts, with the intention of depriving the detainee of due process of law. Makes enforced disappearance a class F felony. Provides that North Carolina has jurisdiction: (1) when a person commits one of the offenses in North Carolina, (2) when a person commits an act in North Carolina that is in furtherance of a conspiracy to commit the actual offense outside the state, or (3) when a person enters into a conspiracy to commit one of the offenses in North Carolina, even if the conspiracy was formulated elsewhere or conduct in furtherance of the conspiracy occurs elsewhere. Amends GS 15A-622(h) to add statutory torture and enforced disappearance to the offenses for which an investigative grand jury may be convened. Effective December 1, 2008.

Intro. by Luebke.

GS 14, 15A

June 19, 2008

H 2417. CRIMES OF TORTURE AND ENFORCED DISAPPEARANCE. Filed 5/21/08. House committee substitute makes the following changes to 1st edition. (1) Makes clear that the new offense of "enforced disappearance of a person" applies to actions by or on behalf of any governmental body (was, only the state) and (2) removes from definition of "torture" the provision that the defined term is "in addition to the definition of torture provided at the common law."