

March 7, 2007

H 553. PROHIBIT EXECUTION/SEVERE MENTAL DISABILITY. Filed 3/7/07. *TO PROVIDE THAT A DEFENDANT CONVICTED OF FIRST DEGREE MURDER WHO HAD A SEVERE MENTAL DISABILITY AT THE TIME OF THE COMMISSION OF THE CAPITAL CRIME SHALL NOT BE SENTENCED TO DEATH.*

Enacts new GS 15A-2007 to prohibit the execution of any defendant who had a severe mental disability at the time of the commission of the criminal offense. *Severe mental disability* is defined as any mental disability that significantly impairs a person's capacity to (1) appreciate the nature, consequences, or wrongfulness of the person's conduct, (2) exercise rational judgment in relation to conduct, or (3) conform the person's conduct to the requirements of the law. Specifies that mental disability manifested by repeated criminal conduct or attributable solely to the effects of alcohol or other drugs does not, standing alone, constitute a severe mental disability. The defendant can request, with the consent of the state, that a judge determine mental disability before the trial. Otherwise, the jury determines, during the sentencing phase of the trial, whether the defendant had a severe mental disability at the time the crime was committed. Applies to trials docketed to begin on or after October 1, 2007. Also enacts new GS 15A-2008, effective October 1, 2007, and expiring on October 1, 2008, to allow defendants in custody awaiting imposition of the death penalty to seek appropriate relief from the death sentence upon the ground of severe mental disability at the time the crime was committed.

Intro. by Insko.

GS 15A