

March 14, 2007

H 790. AMEND MAR PROCEDURE. Filed 03/14/07. *TO AMEND THE PROCEDURE FOR MOTIONS FOR APPROPRIATE RELIEF IN CAPITAL CASES AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Earle.

GS 15A

March 15, 2007

H 790. AMEND MAR PROCEDURE. Filed 3/14/07. *TO AMEND THE PROCEDURE FOR MOTIONS FOR APPROPRIATE RELIEF IN CAPITAL CASES AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.*

Amends GS 15A-1420(b1) to require upon the filing of a motion for appropriate relief in a capital case that the clerk bring the motion to the attention of the senior resident superior court judge or the judge's designee within five days of the filing of the motion. Permits the senior resident superior court judge to assign the motion to any superior court judge in accordance with GS 15A-1413(a). Requires the assigned judge to review the motion and enter an order within 20 days of the date the motion was filed directing the state to file its answer. Permits the judge to issue orders or rulings while out of term, session, or county and permits the judge to hold a hearing in the superior court district during any regular or special session of the court. Requires the assigned judge to enter an order no later than 180 days following hearing. Effective December 1, 2007, for motions for appropriate relief filed on or after that date.

Intro. by Earle.

GS 15A