

March 5, 2009

H 472. NORTH CAROLINA RACIAL JUSTICE ACT. Filed 3/5/09. *TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES.*

Enacts new Article 101, the North Carolina Racial Justice Act, to GS Chapter 15, Awhich provides that no person shall be subject to or given a sentence of death or shall be executed pursuant to any judgment that was sought or obtained on the basis of race. Enacts GS 15A-2011, which describes the evidence that would support or rebut a claim that race was the basis of the decision to seek or impose a death sentence. Provides that the defendant has the burden of proving that race was a factor. Enacts GS 15A-2012 establishing a procedure for hearing such claims. Allows claim to be raised by defendant in a postconviction proceeding or at pretrial conference to bar the State from seeking the death penalty. Provides that notwithstanding the time limits in GS Ch. 15A, Art. 89 (motion for appropriate relief and other post-trial relief), a defendant may seek relief from a death sentence on the ground of racial considerations by filing a motion within one year of the effective date of the act. Provides that except as otherwise provided GS 15A-2012, the procedure and hearing on a motion seeking relief from a death sentence on the ground of racial considerations must comply with GS 15A-1420 through 15A-1422 governing motions for appropriate relief. Applies retroactively.

Intro. by Womble, Parmon.

GS 15A

April 23, 2009

H 472. NORTH CAROLINA RACIAL JUSTICE ACT. Filed 3/5/09. House committee substitute makes the following changes to 1st edition.

Makes clarifying and organizational changes to proposed subsection (b) of new GS 15A-2011, *proof of racial discrimination*, that lists factors, which if one or more apply, that may be included as relevant evidence in establishing a finding that race was a significant factor in decisions to seek or impose the death sentences. Requires that a juror's testimony under proposed subsection (b) be consistent with GS 8C-1, Rule 606(b), (regarding an inquiry into the validity of a verdict or an indictment). Deletes as evidence relevant to establishing proof of racial discrimination in imposing the death sentence a finding that the state is unable to justify the racial disparities demonstrated by the defendant by identifying other legitimate sentencing considerations that when tested statistically, adequately explain the apparent racial disparities.

May 12, 2009

H 472. NORTH CAROLINA RACIAL JUSTICE ACT. Filed 3/5/09. House committee substitute makes the following changes to 2nd edition. Makes technical changes only.