

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

FILED SENATE  
Mar 26, 2015  
S.B. 684  
PRINCIPAL CLERK

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SENATE DRS15190-LH-97 (02/24)

Short Title: Waive Jury Trial/Procedures. (Public)

Sponsors: Senator Lee (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT CERTAIN ITEMS MUST BE TAKEN INTO  
3 CONSIDERATION PRIOR TO CONSENTING TO A DEFENDANT'S REQUEST TO  
4 WAIVE THE RIGHT TO TRIAL BY JURY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 15A-1201 is amended by adding a new subsection to read:

7 "(c) Before consenting to a defendant's waiver of the right to trial by jury, the trial judge  
8 shall do all of the following:

9 (1) Inquire of the prosecutor whether the State objects to the waiver, and if the  
10 State does object, on what grounds the State bases its objection.

11 (2) Address the defendant personally and determine whether the defendant fully  
12 understands and appreciates the consequences of the defendant's decision to  
13 waive the right to trial by jury.

14 (3) Consider the arguments presented by both the State and the defendant  
15 regarding the defendant's waiver of a jury trial.

16 (4) Determine whether the defendant's waiver is tendered in good faith and is  
17 not a tactic to procure an otherwise impermissible procedural advantage."

18 **SECTION 2.** This act becomes effective October 1, 2015, and applies to offenses  
19 committed on or after that date.

