

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 774
PROPOSED COMMITTEE SUBSTITUTE H774-PCS10368-ST-33

Short Title: Restoring Proper Justice Act.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REQUIRING THE PRESENCE OF A LICENSED
3 PHYSICIAN AT THE EXECUTION OF A DEATH SENTENCE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15-190 reads as rewritten:

6 "(a) Some guard or guards or other reliable person or persons to be named and
7 designated by the warden from time to time shall cause the person, convict or felon against
8 whom the death sentence has been so pronounced to be executed as provided by this Article
9 and all amendments thereto. The execution shall be under the general supervision and control
10 of the warden of the penitentiary, who shall from time to time, in writing, name and designate
11 the guard or guards or other reliable person or persons who shall cause the person, convict or
12 felon against whom the death sentence has been pronounced to be executed as provided by this
13 Article and all amendments thereto. At such execution there shall be present the warden or
14 deputy warden or some person designated by the warden in the warden's place, and a licensed
15 ~~physician~~ physician, or a medical professional other than a physician, to monitor the injection
16 of the required lethal substances and certify the fact of the execution. If a licensed physician is
17 not present at the execution, then a licensed physician shall be present on the premises and
18 available to examine the body after the execution and pronounce the person dead. Four
19 respectable citizens, two members of the victim's family, the counsel and any relatives of such
20 person, convict or felon and a minister or member of the clergy or religious leader of the
21 person's choosing may be present if they so desire. The identities, including the names,
22 residential addresses, residential telephone numbers, and social security numbers, of witnesses
23 or persons designated to carry out the execution shall be confidential and exempted from
24 Chapter 132 of the General Statutes and are not subject to discovery or introduction as evidence
25 in any proceeding. The Senior Resident Superior Court Judge for Wake County may order
26 disclosure of names made confidential by this section after making findings that support a
27 conclusion that disclosure is necessary to a proper administration of justice.

28 For purposes of this section, a "medical professional other than a physician" means a
29 physician assistant, nurse practitioner, registered nurse, emergency medical technician, or
30 emergency medical technician-paramedic who is licensed or credentialed by the licensing
31 board, agency, or organization responsible for licensing or credentialing that profession."

32 **SECTION 2.** G.S. 15-192 reads as rewritten:

33 "**§ 15-192. Certificate filed with clerk.**

34 The warden, together with the ~~surgeon or physician of the penitentiary,~~ licensed physician
35 who was present on the premises to pronounce death as required by G.S. 15-190, shall certify
36 the fact of the execution of the condemned person, convict or felon to the clerk of the superior



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1 court in which such sentence was pronounced, and the clerk shall file such certificate with the
2 papers of the case and enter the same upon the records thereof."

3 **SECTION 3.** G.S. 150B-1(d)(6) reads as rewritten:

4 "(6) The Division of Adult Correction of the Department of Public Safety, with
5 respect to matters relating to executions under Article 19 of Chapter 15 of
6 the General Statutes and matters relating solely to persons in its custody or
7 under its supervision, including prisoners, probationers, and parolees."

8 **SECTION 4.** G.S. 150B-1(e) is amended by adding a new subdivision to read:

9 "(22) The Division of Adult Correction of the Department of Public Safety, with
10 respect to matters relating to executions under Article 19 of Chapter 15 of
11 the General Statutes."

12 **SECTION 5.** This act is effective when it becomes law.