

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 900
HOUSE BILL 1228

AN ACT TO SET A DEFINITE EXECUTION DATE FOR PERSONS SENTENCED TO
DEATH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-194 is rewritten to read:

"§ 15-194. Time for execution. — Whenever the Supreme Court has filed an opinion upholding the sentence of death, or a stay of execution granted by any competent judicial tribunal or proceeding has expired or been terminated, or a reprieve by the Governor has expired or been terminated, a hearing shall be held in a superior court anywhere within the district where the case was tried to fix a new date for the execution of the original sentence. The district attorney shall promptly calendar such hearing. The condemned person shall be present at the hearing unless the condemned person has an attorney appearing at the hearing. The judge shall set the date of execution for not less than 60 days nor more than 90 days from the date of the hearing. The hearing may be conducted, whether or not in session, by any regular or special superior court judge resident in the district or assigned to hold court in the district wherever the case is docketed. The order fixing the date shall be recorded in the minutes of the court, and the clerk of the superior court shall immediately send a certified copy to the Warden of the State Penitentiary, at Raleigh. The clerk shall also send certified copies to the condemned person, the condemned person's attorney, and the district attorney who prosecuted the case."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1981.