

NORTH CAROLINA GENERAL ASSEMBLY



HOUSE SELECT COMMITTEE ON RACIAL DISCRIMINATION IN CAPITAL CASES

REPORT TO THE 2012 SESSION of the 2011 GENERAL ASSEMBLY OF NORTH CAROLINA

JULY 2012

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TRANSMITTAL LETTER

July 12, 2012

TO THE MEMBERS OF THE 2012 REGULAR SESSION
OF THE 2011 GENERAL ASSEMBLY

The House Select Committee on Racial Discrimination in Capital Cases respectfully submits the following report to the 2012 Regular Session of the 2011 General Assembly. The Committee's charge included a directive to determine if any legislation was needed. During the 2012 Regular Session, the General Assembly enacted S.L. 2012-136 (SB 416), Amend Death Penalty Procedures. The legislation made major revisions to the Racial Justice Act and revised the procedures used to determine whether race was a significant factor in decisions to seek the death penalty. Based upon the presentations to the Committee, its discussion on proposed legislation, and the deliberations by the General Assembly on the foregoing legislation prior to its enactment, the Committee has no recommendations for further legislation on this issue.

Rep. Tim Moore (Chair)

COMMITTEE PROCEEDINGS

The Committee on House Select Committee on Racial Discrimination in Capital Cases met two times after the 2011 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

February 10, 2012

The House Select Committee on Racial Discrimination in Capital Cases met on Friday, February 10, 2012, at 10:05 a.m. in Room 1027 of the Legislative Building. The following members were present: Representative Tim Moore, Chair; Representatives Burr, Faircloth, Hackney, Hall, Parmon, Randleman, Spear, Stevens, and Stam.

Presentations were made by Colon Willoughby, Wake County District Attorney, on behalf of the NC Conference of District Attorneys; Ken Rose, Senior Staff Attorney, Center for Death Penalty Litigation; Professor Elliott Cramer (Retired), University of North Carolina at Chapel Hill; Locke Bell, District Attorney, Gaston County; Scott Bass, Murder Victims Families for Reconciliation; Richard Joyner, Pastor, Director of Nash Health Center Pastoral Care; Tom Fewel, Victim Family Member; Garry Frank, District Attorney, Davidson County; Marsha Howell, mother of Evette Howell; Jennifer Marsh, NAACP; and Darryl Hunt.

March 27, 2012

The House Select Committee on Racial Discrimination in Capital Cases met on Tuesday, March 27, 2012, at 10:03 a.m. in Room 1228 of the Legislative Building. The following members were present: Representative Tim Moore, Chair; Representatives Burr, Faircloth, Hackney, Hall, Randleman, Spear, and Stevens.

Presentations were given by Dr. Barbara O'Brien, Associate Professor of Law, Michigan State University College of Law; Jonathan Perry, Assistant District Attorney from Prosecutorial District 20B, Union County; Jay Ferguson, Attorney at Law from Thomas, Ferguson, & Mullins; Mike Silver, Assistant District Attorney from Prosecutorial District 21, Forsyth County; and Elliot Cramer, Retired Professor from the University of North Carolina-Chapel Hill.



Office of Speaker Thom Tillis
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE ON
RACIAL DISCRIMINATION IN CAPITAL CASES.

TO THE HONORABLE MEMBERS OF THE
NORTH CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on Racial Discrimination in Capital Cases (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26 of the Rules of the House of Representatives of the 2011 General Assembly.

Section 2. The Committee consists of the 10 members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time.

Representative Tim Moore, Chair
Representative Paul Stam
Representative Justin Burr
Representative Sarah Stevens
Representative Shirley Randleman
Representative John Faircloth
Representative Tim Spear
Representative Larry Hall
Representative Joe Hackney
Representative Earline Parmon

Section 3. The Committee may study evidence of racial discrimination in capital cases and determine if legislative action is needed to address such issues.

Section 4. The Committee shall meet upon the call of its Chair. A quorum of the Committee shall be a majority of its members.

HOUSE SELECT COMMITTEE ON RACIAL DISCRIMINATION IN CAPITAL CASES

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2012, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives prior to the convening of the 2013 General Assembly by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates upon the convening of the 2013 General Assembly or upon the filing of its final report, whichever occurs first.

Effective this the 24th day of January, 2012.



Thom Tillis
Speaker