

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1372

Short Title: Guilty But Insane Verdict Study.

(Public)

Sponsors: Representatives Sizemore; Barnes, Bowie, Bowman, Brubaker, J. Crawford, Cromer, Duncan, Esposito, Gist, Hege, Holmes, Huffman, Jones, Justus, Kerr, Lilley, Lineberry, Nye, Pope, Redwine, Rhyne, Stam, Warren, and P. Wilson.

Referred to: Rules.

April 24, 1989

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A COMMISSION TO STUDY THE ISSUE OF
2 WHETHER OR NOT NORTH CAROLINA LAW SHOULD INCLUDE A
3 GUILTY BUT INSANE VERDICT.
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5 The General Assembly of North Carolina enacts:

6 Section 1. The Insanity Verdict Study Commission is created. The
7 Commission shall consist of nine members: three Senators appointed by the President
8 Pro Tempore of the Senate, three Representatives appointed by the Speaker of the
9 House of Representatives, and three persons appointed by the Governor who are not
10 members of the General Assembly.

11 Sec. 2. The President Pro Tempore of the Senate shall designate one Senator
12 as cochairman and the Speaker of the House of Representatives shall designate one
13 Representative as cochairman.

14 Sec. 3. The Commission shall:

- 15 (1) Study the entire area of the insanity defense in criminal cases;
- 16 (2) Recommend potential changes to North Carolina law, including but
17 not limited to determining whether North Carolina law should permit a
18 verdict of guilty but insane; and
- 19 (3) Determine the sentencing, incarceration, and hospitalization
20 alternatives arising out of insanity pleas and verdicts under current law
21 and under any proposal the Commission may make for changes in the
22 law.

1 Sec. 4. The Commission shall submit a final report of its findings and
2 recommendations to the General Assembly on or before the first day of the 1989
3 Session of the General Assembly, Regular Session 1990 by filing the report with the
4 President Pro Tempore of the Senate and the Speaker of the House of Representatives.
5 Upon filing its final report, the Commission shall terminate.

6 Sec. 5. The Commission, while in the discharge of official duties, may
7 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-
8 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call
9 of the cochairmen. The Commission may meet in the Legislative Building or the
10 Legislative Office Building.

11 Sec. 6. Members of the Commission who are members of the General
12 Assembly shall receive subsistence and travel expenses at the rates set forth in G.S. 120-
13 3.1. Other members shall receive per diem, travel, and subsistence as provided by G.S.
14 138-5 or G.S. 138-6 as appropriate.

15 Sec. 7. The Commission may contract for professional, clerical, or consultant
16 services as provided by G.S. 120-32.02. The Legislative Services Commission, through
17 the Legislative Administrative Officer, shall assign professional staff to assist in the
18 work of the Commission. The House of Representatives' and the Senate's Supervisors of
19 Clerks shall assign clerical staff to the Commission, upon the direction of the
20 Legislative Services Commission. The expenses relating to clerical employees shall be
21 borne by the Commission.

22 Sec. 8. When a vacancy occurs in the membership of the Commission the
23 vacancy shall be filled by the same appointing officer who made the initial appointment.

24 Sec. 9. All State departments and agencies and local governments and their
25 subdivisions shall furnish the Commission with any information in their possession or
26 available to them.

27 Sec. 10. There is appropriated from the General Fund to the General
28 Assembly for fiscal year 1989-90, \$20,000 for the expenses of the Commission.

29 Sec. 11. This act shall become effective July 1, 1989.