

April 20, 2005

H 1323. ESTABLISH NC INNOCENCE INQUIRY COMMISSION (=S 1045). *TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION.* Identical to S 1045, introduced 3/24/05.

Intro. by Glazier.

Ref. to Judiciary IV

GS 15A

August 10, 2005

H 1323. ESTABLISH NC INNOCENCE INQUIRY COMMISSION. Intro. 4/20/05. House committee substitute adopted 8/9/05 makes the following changes to 1st edition. Increases the comm'n from seven to eight members. Additional member must be a sheriff. Provides that the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals are each responsible for making initial appointments of certain members. Reappointment of those members rotates between the Chief Justice and Chief Judge thereafter. Allows the member appointed as a sheriff to remain on the comm'n after his or her term as sheriff has ended. Provides that a defendant with a claim before the comm'n has a right to counsel throughout the inquiry. Requires the comm'n to submit findings of fact, in addition to other information, to the clerk of court when it concludes that a claim merits judicial review. When a claim is heard before a postcommission three-judge panel and the district attorney is representing the state, the district attorney is authorized to request assistance from the State Bureau of Investigation to be provided to the extent authorized by the Attorney General. Requires the three-judge panel to review the opinion and findings of fact from the comm'n before holding an evidentiary hearing. If a decision of the panel regarding innocence is not unanimous, the panel must deny relief but if two of the judges determine that the defendant is factually innocent, the decision of the panel must be reviewed by the Supreme Court according to procedures specified in new GS 15A-1469(i) and (j). Amends GS 15A-1411 to provide that a claim of factual innocence asserted through the comm'n does not constitute a motion for appropriate relief. Amends GS 132-1.4 to exempt from the public records law records of investigations conducted by the comm'n. Requires the comm'n to make annual reports to the Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee and the State Judicial Council. Requires the State Judicial Council to report on the progress of implementing the act to the General Assembly and the Chief Justice by December 31, 2008. Makes technical changes.

August 11, 2005

H 1323. ESTABLISH NC INNOCENCE INQUIRY COMMISSION. Intro. 4/20/05. House amendment makes the following changes to 2nd edition. Staggers terms of Commissioners by making initial appointments for one, two, and three years. Requires appointment of initial members of Commission by October 1, 2005, and provides that no claims of actual innocence may be filed with Commission until November 1, 2005. Requires Commission to consult with SBI and Conference of District Attorneys and Attorney General in making recommendations regarding funding needed by SBI and district attorneys under act. Requires State Judicial Council to report to General Assembly on implementation of act by December 31 of every third year and directs House and Senate to refer report to Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and any other committees the Speaker and President Pro Tem. consider appropriate. Makes other technical changes.

July 7, 2006

H 1323. ESTABLISH NC INNOCENCE INQUIRY COMMISSION. Filed 4/19/05. Senate committee substitute makes the following changes to 3rd edition. Replaces references to "defendant" with "convicted person." Revises proposed GS 15A-1463(b) to provide that the initial meeting of the NC Innocence Inquiry Commission (Commission) must be no later than January 31, 2007 (was, January 31, 2006). Modifies GS 15A-1467(a) to provide that the Commission may not consider a claim of factual innocence if the convicted person entered and was convicted

based on a guilty plea or the convicted person is deceased. Also revises GS 15A-1467(b) to provide that the convicted person's waiver of specified safeguards does not apply to matters unrelated to a convicted person's claim of innocence. Provides in GS 15A-1469(a) that chair of commission shall request Chief Justice to appoint three-judge panel (was, senior resident superior court judge). Deletes provision in GS 15A-1469(c) authorizing district attorney to request assistance from State Bureau of Investigation. Modifies GS 15A-1469(h) to require that the three-judge panel rule on whether the convicted person has proved by clear and convincing evidence that the convicted is innocent of the charges. Determination requires unanimous vote. If there is a unanimous vote, panel shall dismiss charges. If there is not a unanimous vote, panel shall deny relief. (Was, if two of three judges determine that convicted person is innocent, decision of panel must be reviewed by North Carolina Supreme Court under specified procedures). Requires specified report by commission by January 1, 2008 (was, January 1, 2007). Requires specified report by State Judicial Council no later than December 31, 2009 (was, December 31, 2008). Initial members of commission must be appointed no later than October 1, 2006 (was, October 1, 2005). No claims of actual innocence may be filed with the commission until November 1, 2006 (was, November 1, 2005). Act applicable to claims of factual innocence filed on or before December 31, 2010.

July 24, 2006

H 1323. ESTABLISH NC INNOCENCE INQUIRY COMMISSION. Filed 4/19/05. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Amends proposed new GS 15A-1467 (claims of innocence) to eliminate prohibition against considering a claim of factual innocence if the convicted person entered and was convicted on a guilty plea. Amends proposed new GS 15A-1468 (commission proceedings) to require that all eight voting members of the Innocence Inquiry Commission (IIC) conclude that there is sufficient evidence of factual innocence to merit judicial review before referring the case when a convicted person entered and was convicted on a plea of guilty (was, five or more of the eight voting members). Prohibits filing claims of actual innocence with the IIC until November 1, 2008, if the convicted person entered and was convicted on a plea of guilty. Makes technical changes to effective date.

August 4, 2006

SL 2006-184 (H 1323). ESTABLISH NC INNOCENCE INQUIRY COMMISSION. AN ACT TO ESTABLISH THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AS RECOMMENDED BY THE NORTH CAROLINA ACTUAL INNOCENCE COMMISSION. Summarized in *Daily Bulletin* 4/20/05, 8/10/05, 8/11/05, 7/7/06, and 7/24/06. Enacted August 3, 2006. Effective August 3, 2006.