

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 360**

Short Title: Death Penalty Study. (Public)

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Sponsors: Representatives Hilton, Johnson (Primary Sponsors); Barnhart, Capps, Culp, Frye, Gillespie, Holliman, Justice, Justus, LaRoque, Pate, Ray, Sauls, Setzer, Steen, Walend, West, Wiley, and Wilson.

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Referred to: Rules, Calendar, and Operations of the House.

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February 24, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE GENERAL ASSEMBLY OR ITS DESIGNEE TO  
2 STUDY THE ISSUES REGARDING THE IMPOSITION OF A DEATH  
3 SENTENCE UNDER NORTH CAROLINA LAW.  
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** The General Assembly or its designees shall conduct a  
7 study to examine issues regarding the imposition of a death sentence under North  
8 Carolina law, including all of the following:

- 9 (1) The adequacy of counsel in all stages of capital cases, and the  
10 sufficiency of guidelines for the appointment and performance of such  
11 counsel.
- 12 (2) The process for judicial review of the merits of constitutional claims in  
13 State postconviction and federal habeas corpus proceedings.
- 14 (3) Any disproportionate racial impact from any aspect of capital case  
15 processing.
- 16 (4) Whether there is discrimination in capital sentencing on the basis of  
17 the victim's or the defendant's race.
- 18 (5) Prosecutorial misconduct as a factor in the imposition of the death  
19 penalty.
- 20 (6) The presence of innocent persons on death row.
- 21 (7) Any other appropriate or relevant subject.

22 **SECTION 1.(b)** If the General Assembly designates someone else to  
23 conduct the study authorized by this section, then the designee may make an interim  
24 report to the 2005 General Assembly, Regular Session 2006, and shall make a final  
25 report of the findings and recommendations of the study to the 2007 General Assembly.

26 **SECTION 2.** This act is effective when it becomes law.