

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 1037**

Short Title: Permit Access to Capital Defendants. (Public)

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Sponsors: Representatives Glazier, Ross, Blue, Harrison (Primary Sponsors); E. Floyd, Jackson, Lucas, Mackey, and Parmon.

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Referred to: Judiciary II, if favorable, Ways and Means/Broadband Connectivity.

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April 6, 2009

1                   **A BILL TO BE ENTITLED**  
2    AN ACT TO PERMIT CAPITAL APPELLATE AND POSTCONVICTION COUNSEL  
3    REASONABLE ACCESS TO THEIR CLIENTS FOLLOWING DECISIONS BY THE  
4    COURTS WITH RESPECT TO THEIR CLIENTS' SENTENCES.

5   The General Assembly of North Carolina enacts:

6                   **SECTION 1.** G.S. 7A-451 is amended by adding a new subsection to read:

7        "(e1) When the Supreme Court of North Carolina files an opinion affirming or reversing  
8       the judgment of the trial court in a case in which the defendant was sentenced to death, or files  
9       an opinion or decision with regard to such a defendant's postconviction petition for relief from  
10      a sentence of death, or when any federal court files or issues an opinion or decision in such  
11      circumstances, the Department of Correction shall, on the day the opinion or decision is filed or  
12      issued, permit counsel for the defendant to visit the defendant at the institution at which the  
13      defendant is confined. The visit shall be permitted during regular business hours for not less  
14      than one hour, unless a visit outside regular business hours is agreed to by both the institution's  
15      administrator and counsel for the defendant. This section shall not be construed to abridge the  
16      adequate and reasonable opportunity for attorneys to consult with clients sentenced to death  
17      generally and shall not be construed to mandate an attorney visit during an emergency at the  
18      institution at which a defendant is confined."

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



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