

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH11109-LH-290A (05/11)

Short Title: Amend Racial Justice Act.

(Public)

Sponsors: Representatives Burr and Tillis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE AS A PRETRIAL ISSUE THE CLAIM THAT RACE WAS A
3 SIGNIFICANT FACTOR IN THE DECISION TO TRY A MURDER AS A CAPITAL
4 CASE BUT TO PROVIDE THAT THE CLAIM MAY STILL BE RAISED IN A
5 POSTCONVICTION PROCEDURE AND TO APPROPRIATE FUNDS TO THE
6 JUDICIAL DEPARTMENT TO ASSIST WITH THE COST OF INFORMATION AND
7 TRAINING SESSIONS FOR DISTRICT ATTORNEYS AND COURT PERSONNEL
8 REGARDING THE RACIAL JUSTICE ACT.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 15A-2012 reads as rewritten:

11 "**§ 15A-2012. Hearing procedure.**

12 (a) The defendant shall state with particularity how the evidence supports a claim that
13 race was a significant factor in decisions to seek or impose the sentence of death in the county,
14 the prosecutorial district, the judicial division, or the State at the time the death sentence was
15 sought or imposed.

16 (1) The claim shall be raised by the defendant ~~at the pretrial conference required~~
17 ~~by Rule 24 of the General Rules of Practice for the Superior and District~~
18 ~~Courts or in postconviction proceedings pursuant to Article 89 of Chapter~~
19 15A of the General Statutes.

20 (2) ~~The court shall schedule a hearing on the claim and shall prescribe a time for~~
21 ~~the submission of evidence by both parties.~~

22 (3) If

23 If the court finds that race was a significant factor in decisions to seek or impose the
24 sentence of death in the county, the prosecutorial district, the judicial division, or the State at
25 the time the death sentence was sought or imposed, the court shall order ~~that a death sentence~~
26 ~~not be sought, or that the death sentence imposed by the judgment shall be vacated and the~~
27 defendant resentenced to life imprisonment without the possibility of parole.

28 (b) Notwithstanding any other provision or time limitation contained in Article 89 of
29 Chapter 15A of the General Statutes, a defendant may seek relief from the defendant's death
30 sentence upon the ground that racial considerations played a significant part in the decision to
31 seek or impose a death sentence by filing a motion seeking relief.

32 (c) Except as specifically stated in ~~subsections (a) and~~ subsection (b) of this section, the
33 procedures and hearing on the motion seeking relief from a death sentence upon the ground that
34 race was a significant factor in decisions to seek or impose the sentence of death in the county,



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1 the prosecutorial district, the judicial division, or the State at the time the death sentence was
2 sought or imposed shall follow and comply with G.S. 15A-1420, 15A-1421, and 15A-1422."

3 **SECTION 2.** There is appropriated from the General Fund to the Judicial
4 Department the sum of five thousand dollars (\$5,000) for the 2010-2011 fiscal year to be used
5 to help support information and training sessions for district attorneys and court personnel
6 regarding the racial justice act.

7 **SECTION 3.** Section 2 of this act becomes effective July 1, 2010. The remainder
8 of this act is effective when it becomes law. Any pretrial claim raised on or before the effective
9 date of Section 1 of this act is abated. Any claim abated under this act may still be raised in a
10 postconviction proceeding pursuant to Article 89 of Chapter 15A of the General Statutes.