

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 774
Committee Substitute Favorable 4/28/15
Third Edition Engrossed 4/29/15
Senate Judiciary II Committee Substitute Adopted 7/23/15
Fifth Edition Engrossed 7/27/15

Short Title: Restoring Proper Justice Act.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REQUIRING THE PRESENCE OF A LICENSED
PHYSICIAN AT THE EXECUTION OF A DEATH SENTENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15-190(a) reads as rewritten:

"(a) Some guard or guards or other reliable person or persons to be named and designated by the warden from time to time shall cause the person, convict or felon against whom the death sentence has been so pronounced to be executed as provided by this Article and all amendments thereto. The execution shall be under the general supervision and control of the warden of the penitentiary, who shall from time to time, in writing, name and designate the guard or guards or other reliable person or persons who shall cause the person, convict or felon against whom the death sentence has been pronounced to be executed as provided by this Article and all amendments thereto. At such execution there shall be present the warden or deputy warden or some person designated by the warden in the warden's place, and a licensed ~~physician~~ physician, or a medical professional other than a physician, to monitor the injection of the required lethal substances and certify the fact of the execution. If a licensed physician is not present at the execution, then a licensed physician shall be present on the premises and available to examine the body after the execution and pronounce the person dead. Four respectable citizens, two members of the victim's family, the counsel and any relatives of such person, convict or felon and a minister or member of the clergy or religious leader of the person's choosing may be present if they so desire. The identities, including the names, residential addresses, residential telephone numbers, and social security numbers, of witnesses or persons designated to carry out the execution shall be confidential and exempted from Chapter 132 of the General Statutes and are not subject to discovery or introduction as evidence in any proceeding. The Senior Resident Superior Court Judge for Wake County may order disclosure of names made confidential by this section after making findings that support a conclusion that disclosure is necessary to a proper administration of justice.

For purposes of this section, a "medical professional other than a physician" means a physician assistant, nurse practitioner, registered nurse, emergency medical technician, or emergency medical technician-paramedic who is licensed or credentialed by the licensing board, agency, or organization responsible for licensing or credentialing that profession."

SECTION 2. G.S. 15-192 reads as rewritten:

"§ 15-192. Certificate filed with clerk.



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1 The warden, together with the ~~surgeon or physician of the penitentiary,~~ licensed physician
2 who was present on the premises to pronounce death as required by G.S. 15-190, shall certify
3 the fact of the execution of the condemned person, convict or felon to the clerk of the superior
4 court in which such sentence was pronounced, and the clerk shall file such certificate with the
5 papers of the case and enter the same upon the records thereof."

6 **SECTION 3.** G.S. 150B-1(d)(6) reads as rewritten:

7 "(6) ~~The Division of Adult Correction of the~~ Department of Public Safety, with
8 respect to matters relating to executions under Article 19 of Chapter 15 of
9 the General Statutes and matters relating solely to persons in its custody or
10 under its supervision, including prisoners, probationers, and parolees."

11 **SECTION 4.** G.S. 150B-1(e) is amended by adding a new subdivision to read:

12 "(22) The Department of Public Safety, with respect to matters relating to
13 executions under Article 19 of Chapter 15 of the General Statutes."

14 **SECTION 5.** G.S. 15-187 reads as rewritten:

15 "**§ 15-187. Death by administration of lethal drugs.**

16 Death by electrocution under sentence of law and death by the administration of lethal gas
17 under sentence of law are abolished. Any person convicted of a criminal offense and sentenced
18 to death shall be executed ~~only by the administration of a lethal quantity of an ultrashort-acting~~
19 ~~barbiturate in combination with a chemical paralytic agent.~~ in accordance with G.S. 15-188 and
20 the remainder of this Article. The warden of Central Prison may obtain and employ the drugs
21 necessary to carry out the provisions of this Article, regardless of contrary provisions in
22 Chapter 90 of the General Statutes."

23 **SECTION 6.** G.S. 132-1.2 is amended by adding a new subdivision to read:

24 "(7) Reveals name, address, qualifications, and other identifying information of
25 any person or entity that manufactures, compounds, prepares, prescribes,
26 dispenses, supplies, or administers the drugs or supplies obtained for any
27 purpose authorized by Article 19 of Chapter 15 of the General Statutes."

28 **SECTION 7.** If any provision of this act or its application is held invalid, the
29 invalidity does not affect other provisions or applications of this act that can be given effect
30 without the invalid provisions or application, and to this end the provisions of this act are
31 severable.

32 **SECTION 8.** This act is effective when it becomes law.