

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1479

Short Title: Prevent Execution of Innocent Persons. (Public)

Sponsors: Representatives Hall; E. Floyd, Harrison, Lucas, and Luebke.

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

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PREVENT THE EXECUTION OF INNOCENT PERSONS BY PROVIDING
3 THAT A DEFENDANT MAY ONLY BE TRIED FOR A CAPITAL OFFENSE IF THE
4 STATE PRESENTS CERTAIN INCRIMINATING EVIDENCE PRIOR TO THE
5 PRETRIAL CONFERENCE.

6 Whereas, eight persons have been sentenced to die in the State of North Carolina
7 and subsequently exonerated; and

8 Whereas, the large number of potential capital cases annually costs the State of
9 North Carolina tens of millions of dollars for prosecution and defense services and court costs
10 in excess of the cost of handling those cases as noncapital; and

11 Whereas, prescribing the type of evidence required to return a death sentence
12 reduces the likelihood of executing innocent people and saves millions of dollars annually by
13 reducing the number of people eligible for the death penalty; Now, therefore,
14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** G.S. 15A-2004 is amended by adding a new subsection to read:

16 "(e) Notwithstanding any other provision of law, the State shall not elect to try a
17 defendant capitally unless, on or before the date of the pretrial conference in the capital case
18 required by Rule 24 of the General Rules of Practice for the Superior and District Courts, the
19 State presents evidence of any of the following:

20 (1) Biological evidence or DNA evidence that links the defendant to the act of
21 murder.

22 (2) A videotaped, voluntary interrogation and confession of the defendant to the
23 murder.

24 (3) A video recording that conclusively links the defendant to the murder."

25 **SECTION 2.** This act is effective when it becomes law and applies to offenses
26 committed on or after that date.

