

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 626  
Committee Substitute Favorable 5/8/89

Short Title: Jury Instructions/Life Sentences.

(Public)

Sponsors:

Referred to:

March 15, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT CONCERNING JURY INSTRUCTIONS ON LIFE SENTENCES IN  
3 CAPITAL CASES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 15-176.4 is repealed.

6 Section 2. Article 17A of Chapter 15 of the General Statutes is amended by  
7 adding a new section to read:

8 **"§ 15-176.4A Instructions to jury in capital cases.**

9 At any proceeding to determine punishment for a capital felony conviction, the court  
10 shall give the jury an instruction in substantially the following form:

11 'A sentence of life imprisonment means that the defendant may spend  
12 the remainder of his life in prison or that he may at some point be  
13 paroled. The defendant will be eligible for parole consideration only  
14 after he has served twenty years in prison. However, he will at no time  
15 be entitled to parole as a matter of right.

16 Once the defendant becomes eligible for parole consideration, it  
17 becomes the obligation of the Parole Commission to determine  
18 whether or not the defendant will be paroled. Our law provides the  
19 Parole Commission with certain criteria to consider in determining  
20 whether or not the defendant will be paroled. In any event, you must  
21 assume that the Parole Commission will perform its duties in a correct  
22 and responsible manner.

1                   You have been given these instructions so that you will have a general  
2                   understanding of the meaning of a sentence of life imprisonment. You  
3                   are now instructed however, that the matter of parole is not to be  
4                   considered by you in determining the punishment for the defendant,  
5                   and you may not speculate as to if, or when, parole will or will not be  
6                   granted. Your sole function is to determine whether the defendant will  
7                   receive the death penalty or whether the defendant will be sentenced to  
8                   life imprisonment.'

9                   Nothing herein shall limit the court's authority to further accurately instruct the jury  
10                  regarding parole as the facts of the case may warrant."

11                  Section 3. This act shall become effective October 1, 1989, and shall apply to  
12                  trials occurring on or after that date.