

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1102

Short Title: No Comments on Penalty.

(Public)

Sponsors: Representative Rhyne.

Referred to: Judiciary I.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT ATTORNEYS FROM COMMENTING ON PUNISHMENT
EITHER AT JURY SELECTION OR IN FINAL ARGUMENT.

The General Assembly of North Carolina enacts:

Section 1. Article 71 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1214.1. Commenting on punishment.

The prosecutor, the defense counsel, or the defendant if not represented by counsel, shall not inform or question prospective jurors concerning the punishment that is authorized for the offense charged. This section shall not apply when any of the charges upon which the defendant is being tried involve an offense for which the penalty may be death. Nothing contained in this section shall limit the court's discretion in the control of the **voir dire** questioning in all other cases."

Sec. 2. G.S. 15A-1230 is amended by adding a subsection to read:

"(c) Notwithstanding any other provision of law, during the closing argument to a jury an attorney may not argue to or inform the jury of the possible punishment, felony classification of the offense, or statutory authorized punishment for a defendant convicted of such offense. Nothing in this subsection shall be construed to limit the discretion of the trial judge in controlling arguments in all other cases. This subsection shall not apply to any case in which the defendant is being tried for a crime for which the penalty may be death."

Sec. 3. This act becomes effective October 1, 1991, and applies to any trial commenced on or after that date.