

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 184

Short Title: Majority Jury For Death Sentence.

(Public)

Sponsors: Representatives Decker; Mitchell and Wood.

Referred to: Judiciary II.

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ONLY A MAJORITY OF A JURY, INSTEAD OF A UNANIMOUS JURY, IS REQUIRED TO RETURN A DEATH SENTENCE FOR A CAPITAL OFFENSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-2000(b) reads as rewritten:

"(b) Sentence Recommendation by the Jury. – Instructions determined by the trial judge to be warranted by the evidence shall be given by the court in its charge to the jury prior to its deliberation in determining sentence. In all cases in which the death penalty may be authorized, the judge shall include in his instructions to the jury that it must consider any aggravating circumstance or circumstances or mitigating circumstance or circumstances from the lists provided in subsections (e) and (f) which may be supported by the evidence, and shall furnish to the jury a written list of issues relating to such aggravating or mitigating circumstance or circumstances.

After hearing the evidence, argument of counsel, and instructions of the court, the jury shall deliberate and render a sentence recommendation to the court, based upon the following matters:

- (1) Whether any sufficient aggravating circumstance or circumstances as enumerated in subsection (e) exist;
- (2) Whether any sufficient mitigating circumstance or circumstances as enumerated in subsection (f), which outweigh the aggravating circumstance or circumstances found, exist; and
- (3) Based on these considerations, whether the defendant should be sentenced to death or to imprisonment in the State's prison for life.

1 The sentence recommendation must be agreed upon by a ~~unanimous~~-majority vote of
2 the 12 jurors. Upon delivery of the sentence recommendation by the foreman of the
3 jury, the jury shall be individually polled to establish whether ~~each juror~~-a majority of
4 the jurors concurs and agrees to the sentence recommendation returned.

5 If a majority of the jury cannot, within a reasonable time, ~~unanimously~~-agree to ~~its~~-a
6 sentence recommendation, the judge shall impose a sentence of life imprisonment;
7 provided, however, that the judge shall in no instance impose the death penalty when a
8 majority of the jury cannot agree ~~unanimously~~-to ~~its~~-a sentence recommendation."

9 Sec. 2. This act becomes effective July 1, 1994, and applies to offenses
10 committed on or after that date.