

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 63

Select Committee on Corrections/Punishment Committee Substitute Adopted 2/24/94

Short Title: Public Executions.

(Public)

Sponsors:

Referred to: Appropriations.

February 10, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A CONVICT OR FELON SENTENCED TO DEATH SHALL BE EXECUTED IN PUBLIC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-188 reads as rewritten:

"§ 15-188. Manner and place of execution-~~execution~~-public execution.

Except as otherwise provided in G.S. 15-187, the mode of executing a death sentence must in every case be by causing the convict or felon to inhale lethal gas of sufficient quantity to cause death, and the administration of such lethal gas must be continued until such convict or felon is dead; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, such punishment shall only be inflicted within a permanent-death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The punishment shall be carried out in public by the superintendent of the State penitentiary. The superintendent of the State penitentiary shall also cause to be provided, provide in conformity with this Article and approved by the Governor and Council of State, the necessary appliances for the infliction of the punishment of death in accordance with the requirements of this Article. The Secretary of Correction shall provide for the public televising of the execution."

Sec. 2. G.S. 15-190 reads as rewritten:

"§ 15-190. Person or persons to be designated by warden to execute sentence; supervision of execution; who shall be present.

1       Some guard or guards or other reliable person or persons to be named and  
2 designated by the warden from time to time shall cause the person, convict or felon  
3 against whom the death sentence has been so pronounced to be executed as provided by  
4 ~~this Article and all amendments thereto.~~ Article. The execution shall be under the general  
5 supervision and control of the warden of the penitentiary, who shall from time to time,  
6 in writing, name and designate the guard or guards or other reliable person or persons  
7 who shall cause the person, convict or felon against whom the death sentence has been  
8 pronounced to be executed as provided by this ~~Article and all amendments thereto.~~ Article.  
9 ~~At such the execution there shall be present the warden or deputy warden or some person~~  
10 ~~designated by the warden in his stead;~~ warden; the surgeon or physician of the ~~penitentiary~~  
11 ~~and six respectable citizens;~~ penitentiary, such members of the general public as may be  
12 accommodated, the counsel and any relatives of ~~such person;~~ the convict or felon ~~felon,~~  
13 relatives of the victim and a minister or ministers of the gospel may be present if they so  
14 ~~desire;~~ desire. ~~The and the~~ board of directors of the penitentiary may provide for and pay  
15 the fee for each execution not to exceed thirty-five dollars (\$35.00).

16           Sec. 3. The Legislative Research Commission may study issues related to  
17 public executions and alternative means of enforcing the State's death penalty. The  
18 Commission may make a final report, including any legislative proposals, to the 1995  
19 General Assembly.

20           Sec. 4. Section 1 and Section 2 of this act become effective January 1, 1995,  
21 and apply to sentences of death pronounced on or after that date. Section 3 of this act is  
22 effective upon ratification.