

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 825

Short Title: Waive Jury Trial/Noncapital Cases.

(Public)

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Sponsors: Senators Ballance and Hartsell.

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Referred to: Judiciary I/Constitution

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April 25, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ALLOW THE  
2 DEFENDANT IN NONCAPITAL CRIMINAL CASES TO WAIVE A JURY  
3 TRIAL.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. Section 24 of Article I of the Constitution of North Carolina reads  
7 as rewritten:

8 "Sec. 24. Right of jury trial in criminal cases.

9 No person shall be convicted of any capital crime but by the unanimous verdict of a  
10 jury in open court. A person charged with a noncapital crime has the right to a trial by  
11 jury, but the person may waive that right. The General Assembly may, however, provide  
12 for other means of trial for misdemeanors, with the right of appeal for trial de novo."

13 Sec. 2. G.S. 15A-1201 reads as rewritten:

14 "**§ 15A-1201. Right to trial by jury.**

15 (a) In all criminal cases the defendant has the right to be tried by a jury of 12  
16 whose verdict must be unanimous. In the district court the judge is the finder of fact in  
17 criminal cases, but the defendant has the right to appeal for trial de novo in superior court  
18 as provided in G.S. 15A-1431. In superior court all criminal trials in which the defendant  
19 enters a plea of not guilty must be tried before a ~~jury.~~ jury, unless the defendant waives  
20 the right to a trial by jury.

