## GENERAL ASSEMBLY OF NORTH CAROLINA

## **SESSION 1995**

S SENATE BILL 825

Short Title: Waive Jury Trial/Noncapital Cases. (Public)

Sponsors: Senators Ballance and Hartsell.

Referred to: Judiciary I/Constitution

## April 25, 1995

1 A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ALLOW THE DEFENDANT IN NONCAPITAL CRIMINAL CASES TO WAIVE A JURY TRIAL.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

The question to be used in the voting systems and ballots shall be:

In any criminal case in which trial by jury is dispensed with in accordance with

Sec. 3. The amendment set out in Section 1 of this act shall be submitted to the

Constitutional amendments allowing the defendant in noncapital criminal cases

Sec. 4. If a majority of the votes cast on the question are in favor of the

Sec. 5. Section 2 of this act becomes effective only if the amendment set out in

this section, the whole matter of law and fact shall be heard and judgment given by the

qualified voters of the State at the general election in November 1996, which election

shall be conducted under the laws then governing elections in the State. Ballots, voting

systems, or both may be used in accordance with Chapter 163 of the General Statutes.

"[]FOR []AGAINST

amendment set out in Section 1 of this act, the State Board of Elections shall certify the

amendment to the Secretary of State. The amendment becomes effective upon this

certification. The Secretary of State shall enroll the amendment so certified among the

Section 1 of this act becomes effective. If the amendment becomes effective, Section 2

becomes effective on the same date as the amendment. The remaining sections of this act

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court."

to waive a jury trial."

permanent records of that office.

are effective upon ratification.

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