

**NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 1441

**SHORT TITLE:** Amend Capital Case Jury Instructions

**SPONSOR(S):** Senator Ballantine

**FISCAL IMPACT:**      **Expenditures:**      **Increase ( )**      **Decrease ( )**  
                          **Revenues:**            **Increase ( )**            **Decrease ( )**  
                          **No Impact ( )**  
                          **No Estimate Available (X)**

**FUNDS AFFECTED:**    **General Fund ( )**      **Highway Fund ( )**      **Local Fund ( )**  
                          **Other Fund ( )**

**BILL SUMMARY:** TO PROVIDE THAT A JURY IN A CAPITAL CASE MUST BE INSTRUCTED THAT A DEFENDANT MAY BE ENTITLED TO REVIEW OF THE DEFENDANT'S SENTENCE AFTER SERVING TWENTY-FIVE YEARS. Amends GC 15A-2002, as title indicates. Directs that judge also instruct that General Assembly may change law regarding life imprisonment without parole at any time in future.

**EFFECTIVE DATE:** December 1, 1996 and applies to offenses committed on or after that date

**PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:** Judicial Department

**FISCAL IMPACT**

<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>
1996-97	1997-98	1998-99	1999-00	2000-01

**EXPENDITURES**                                    **No Estimate Available**

**POSITIONS:** None

**ASSUMPTIONS AND METHODOLOGY:** Judicial Department

The Administrative Office of the Courts anticipates that this bill could have a fiscal impact on the Judicial Department. This bill amends GS 15A-2002 concerning the instructions given to a jury when it deliberates on the sentence (life or death) in a capital case. Under existing G.S. 15A-2002, a judge instructs the jury that "a sentence of life imprisonment means a sentence of life without parole." The proposed legislation would require the judge to also instruct the jury "that a defendant's sentence may be reviewed by a superior court judge after a defendant has served 25 years in prison and every two years thereafter," and "that the law regarding life imprisonment without parole may be changed at a future time by the General Assembly."

There are no data available to predict how this legislation may affect capital trials. The AOC anticipates that there may be some cases in which a jury would decide upon death instead of a life sentence if the defendant has no possibility of ever being released. The potential additional capital cases would have a fiscal impact on the courts since appellate reviews of death sentences are more costly than appellate reviews of life sentences. Specifically, the AOC anticipates the bill would impact indigent defense costs and post-conviction proceedings in death cases. However, since there is no precise way to determine how these instructions may affect jury decisions, no specific impact can be estimated at this time.

**SOURCES OF DATA:** Administrative Office of the Courts

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION**

733-4910

**PREPARED BY:** Charles Perusse

**APPROVED BY:** Tom L. Covington/s/TomC

**DATE:** June 13, 1996



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