

anticipates that some defendants would have an incentive to plead guilty hoping that judges would impose a life sentence. The AOC also believes, however, that many prosecutors would argue against a life sentence in situations with aggravating factors. In these cases, it may be difficult for judges to remove the issue from a jury.

The AOC has no way to estimate how often judges would exercise the authority outlined in this legislation. However, the potential decrease in the number of capital jury trials or jury sentencing hearings could save money and allow more to be devoted to reducing case backlogs. Specifically, this may reduce projected requests for indigent defense funds in capital cases and produce some savings of time for judges, prosecutors, and clerks.

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 18, 1996



Signed Copy Located in the NCGA Principal Clerk's Offices