

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1421

Short Title: Innocence Protection Act.

(Public)

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Sponsors: Representatives Blue, Hackney, and Nesbitt (Primary Sponsors).

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Referred to: Rules, Calendar, and Operations of the House.

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April 26, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO AMEND THE LAW PROVIDING COMPENSATION TO A PERSON  
3 FOR A WRONGFUL CONVICTION AND TO DIRECT THE DIVISION OF  
4 CRIMINAL STATISTICS TO REPORT ON THE ADMINISTRATION OF THE  
5 STATE'S CAPITAL PUNISHMENT LAWS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 148-82 reads as rewritten:

8 "**§ 148-82. Provision for compensation.**

9 Any person who, having been convicted of a felony and having been imprisoned  
10 therefor in a State prison of this State, and who was thereafter or who shall hereafter (i)  
11 be granted a pardon of innocence by the Governor upon the grounds that the crime with  
12 which the person was charged either was not committed at all or was not committed by  
13 that person, (ii) have the conviction reversed or set aside on the ground that the person  
14 was not guilty of the offense for which the person was convicted, or (iii) be found not  
15 guilty of the offense in a new trial or rehearing, may as hereinafter provided present by  
16 petition a claim against the State for the pecuniary loss sustained by the person through  
17 his or her erroneous conviction and imprisonment, provided the petition is presented  
18 within five years of the granting of the ~~pardon.~~ pardon, the reversal of the conviction, or  
19 the finding of not guilty."

20 **SECTION 2.** G.S. 148-84 reads as rewritten:

21 "**§ 148-84. Evidence; action by Industrial Commission; payment and amount of**  
22 **compensation.**

23 At the hearing the claimant may introduce evidence in the form of affidavits or  
24 testimony to support the claim, and the Attorney General may introduce counter  
25 affidavits or testimony in refutation. If the Industrial Commission finds from the  
26 evidence that (i) the claimant received a pardon of innocence for the reason that the  
27 crime was not committed at all or was not committed by the claimant, (ii) the claimant's  
28 conviction was reversed, or (iii) the claimant was found not guilty of the offense at a

1 new trial or rehearing, and that the claimant was imprisoned and has been vindicated in  
2 connection with the alleged offense for which he or she was imprisoned, the Industrial  
3 Commission shall determine the amount the claimant is entitled to be paid for the  
4 claimant's pecuniary loss and shall enter an award for that amount. The Director of the  
5 Budget shall pay the amount of the award to the claimant out of the Contingency and  
6 Emergency Fund, or out of any other available State funds. The Industrial Commission  
7 shall award to the claimant an amount equal to ten thousand dollars (\$10,000) for each  
8 year or the pro rata amount for the portion of each year of the imprisonment actually  
9 served, but in no event shall the compensation exceed a total amount of ~~one hundred~~  
10 ~~fifty thousand dollars (\$150,000).~~ five hundred thousand dollars (\$500,000). The  
11 Industrial Commission shall give written notice of its decision to all parties concerned.  
12 The determination of the Industrial Commission shall be subject to judicial review upon  
13 appeal of the claimant or the State according to the provisions and procedures set forth  
14 in Article 31 of Chapter 143 of the General Statutes."

15 **SECTION 3.** Article 3 of Chapter 114 of the General Statutes is amended by  
16 adding a new section to read:

17 "**§ 114-10.2. Report on administration of capital punishment laws.**

18 (a) The Division of Criminal Statistics shall annually prepare and transmit to the  
19 General Assembly and the Governor a report concerning the administration of capital  
20 punishment laws by the North Carolina State government.

21 (b) The report required under subsection (a) of this section shall include the  
22 following categories of information:

- 23 (1) The percentage of death-eligible cases in which a death sentence is  
24 sought and the percentage in which it is imposed by judicial district.
- 25 (2) The race of the defendants in death-eligible cases, including death-  
26 eligible cases in which a death sentence is not sought, and the race of  
27 the victims.
- 28 (3) An analysis of the composition of juries in capital cases, including the  
29 racial composition of the juries, and on the exclusion of otherwise  
30 eligible and available jurors from the cases.
- 31 (4) An analysis of the effect of peremptory challenges, by the prosecution  
32 and defense respectively, on the composition of juries in capital cases,  
33 including the racial composition of the juries, and on the exclusion of  
34 otherwise eligible and available jurors from the cases.
- 35 (5) The percentage of capital cases in which counsel is retained by the  
36 defendant and the percentage in which counsel is appointed by the  
37 court.
- 38 (6) An analysis of the rates of compensation paid in capital cases to  
39 appointed counsel by judicial district.
- 40 (7) The percentage of cases in which a death sentence or a conviction  
41 underlying a death sentence is vacated, reversed, or set aside and the  
42 reasons therefor.

1           (8) The percentage of cases in which a person who was arrested for a  
2           crime was later eliminated as a suspect based on DNA evidence, along  
3           with the crime for which the person was arrested.

4           (c) The Attorney General shall ensure that the reports referred to in subsection  
5           (a) of this section are distributed to State print and broadcast media and posted on an  
6           Internet web site maintained by the Department of Justice."

7           **SECTION 4.** This act is effective when it becomes law.