

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE DRH70213-LH-54 (2/13)

Short Title: Proportionality Review/All Capital Cases. (Public)

Sponsors: Representative Glazier.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE SUPREME COURT IN CONDUCTING THE PROPORTIONALITY REVIEW REQUIRED BY LAW SHALL CONSIDER NOT ONLY THOSE CAPITAL CASES IN WHICH THE DEATH PENALTY WAS IMPOSED BUT ALSO FACTUALLY SIMILAR CASES IN WHICH THE SENTENCE OF LIFE IMPRISONMENT WAS IMPOSED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-2000(d) is amended by adding a new subdivision to read:

"(2a) In determining whether a sentence of death imposed under this section is disproportionate, the Supreme Court shall consider and compare factually similar capital cases that have been reviewed on appeal by the Supreme Court or the Court of Appeals. The reported cases compared by the Supreme Court shall include both those in which the jury recommended life imprisonment, with or without parole, and those in which the jury recommended the death penalty."

SECTION 2. This act is effective when it becomes law and applies to all capital cases not yet decided by the Supreme Court on direct appeal.