

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 1055
Corrected Copy 4/14/03**

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

Sponsors: Representatives Glazier, Ross, Weiss, Harrell (Primary Sponsors); Insko, and Michaux.

Referred to: Judiciary IV.

April 10, 2003

A BILL TO BE ENTITLED

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

7 The General Assembly of North Carolina enacts:

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

10 "(2a) In determining whether a sentence of death imposed under this section
11 is disproportionate, the Supreme Court shall consider and compare
12 factually similar capital cases that have been reviewed on appeal by
13 the Supreme Court or the Court of Appeals. The reported cases
14 compared by the Supreme Court shall include both those in which the
15 jury recommended life imprisonment, with or without parole, and
16 those in which the jury recommended the death penalty."

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