

NORTH CAROLINA

STATISTICAL INFORMATION

Current Governor: Michael F. Easley
Term of Office: Jan. 2001- Jan. 2005

Legislative Term: May - July

Total Inmate Pop.

(As of 6/28/05): 36,886 White: 35% Black: 59% Latino/a: n/a Other: 6%

Death Row Pop.

(As of 4/1/05): 197 White: 72 Black: 109 Latino/a: 4 Other: 12

EXECUTIONS:

Since 1976: 36 White: 22 Black: 10 Latino/a: 0 Other: 1
(As of 6/28/05)

Carried out in 2003: 7

Carried out in 2004: 4

Carried out in 2005: 2 Scheduled for 2005: 0
(As of 6/28/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2005

(does not include those executed by the state or those who died of natural causes):

Total Number: 244

Sentence/Conviction overturned minus exoneration): 235

Sentence reduced: 6

Exoneration: 3

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: yes

Status: In December 2000, a Legislative Research Commission appointed by the North Carolina General Assembly issued a report recommending that the legislature act to bar the execution of mentally retarded offenders, create a Racial Justice Act to provide a remedy for capital offenders whose convictions or sentences may have been influenced by race, and impose a moratorium on death penalty implementation until a study can be conducted to determine whether the death penalty is being administered fairly. As of April 4, 2002, the legislature had adopted the Commission's recommendation to bar the execution of mentally retarded offenders in legislation enacted in July 2001, but had not acted on the other two recommendations.

In April 2001, researchers at the University of North Carolina released the report, "Race and the Death Penalty in North Carolina," summarizing a study in which all homicide cases that occurred in NC between Jan. 1, 1993 and Dec. 31, 1997, were examined. The report concludes that racial factors -- specifically, the race of the homicide victim -- play a significant role in determining who receives death sent

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: 2005: One bill that died would delay the setting of executions for a definite period and to study issues relating to the death sentence (H5). Another bill died that was provide for the general assembly or its designee to study the issues regarding the imposition of a death sentence under North Carolina law (H360). Another bill was introduced to suspend executions for two years while conducting a two-year study on issues relating to the death sentence (H529).

Previous Years: 2004: One bill that failed would have established the Select Commission to investigate death penalty issues and to appropriate funds for the commission (HB1774). 2003: One bill which failed provided that felony murder is punishable by life imprisonment without parole and not the death penalty (HB1187). Another bill failed providing for a 2-year moratorium on executions while the General Assembly or its designees examine the issues necessitating the moratorium (HB1199). Another bill failed that would have provided that the Supreme Court shall conduct proportionality review on all cases in which the death penalty was imposed (HB1055). Another bill passed the Senate and provides for a moratorium on the death penalty until 6/1/05 while a study is conducted of the death penalty in North Carolina (SB972). 2001-02: Two bills introduced would place a moratorium on executions as recommended by Legislative Research Commission and create a commission to study the state death penalty system (SB1116, SB1178). 1999: One bill died that was referred to Judiciary II to establish a moratorium on the death penalty.

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: 2005: One Act was signed into action by the governor adds to the list of aggravating factors for a capital offense that the felony was committed in violation of a valid protective order (H1436).

Previous Years: None.

**DNA Testing and
Preservation of
Material Evidence:**

Current: None.

Previous Years: 2003-2004: One bill failed which would have provided the state bureau of investigation crime laboratory with sufficient funds to perform DNA analysis of evidence to assist law enforcement and prosecutors in convicting criminals (HB154).

**Crime Labs and
Medical Examiner
Offices:**

Current: None.

Previous Years: None.

**Counsel
Qualifications,
Training and
Competency:**

Current: None.

Previous Years: 2003: One bill signed into effect by the governor is an Appropriations bill authorizing the North Carolina State Bar to allocate \$590,000 to the Center for Death Penalty Litigation to provide training, consultation, and other assistance to attorneys representing indigent capital defendants (HB397). **2001 :** One bill signed by the governor requires the State Supreme Court to adopt rules establishing minimum standards for defense attorneys, prosecutors, and judges in capital cases (Ch. SL 2001-392).

**Counsel
Compensation:**

Current: None.

Previous Years: None.

Judges and Juries:

Current: None.

Previous Years: None.

Current: None.

**Racial and Ethnic
Minorities:**

Previous Years: 2002 : Two bills introduced as the "Racial Justice Act" would prohibit the death penalty where the defendant makes a prima facie showing that race was a factor in the State's seeking death (HB140, SB171).

Juvenile Offenders:

Current: None.

Previous Years: None.

**Mental Retardation,
Mental Disability
and Mental
Competency:**

Current: None.

Previous Years: 2001 : One bill signed into law that prohibits the execution of mentally retarded defendants; 1999 : One bill referred to Judiciary II to eliminate the death penalty for mentally retarded defendants.

Special Notes:

Current: 2005: One bill failed relating to administration of Lethal Injection (S834).

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS
THAT HAVE PASSED MORATORIUM RESOLUTIONS**

North Carolina Bar Association, December 8, 2000*

North Carolina Black Leadership Caucus

North Carolina Academy of Trial Lawyers

North Carolina Association of Women Attorneys

Duke University Bar Association

City of Asheville

Town of Aulander

City of Bertie

Town of Bolton

City of Carrboro

City of Cary

City of Chapel Hill

County of Chatham

City of Charlotte

City of Cofield

City of Creedmoor

Town of Creswell

City of Davidson

Dobbins Heights

Town of Dover

City of Durham

County of Durham

City of Fayetteville

Garysburg

City of Greensboro

Town of Greenevers

County of Guilford

City of Hillsborough

Town of Jamesville

Town of Lewiston Woodville

Norlina

Town of Northwest

Town of Oak City

County of Orange

Town of Parmele

Town of Plymouth

Town of Princeville

Town of Roper

Town of Roxobel

Taylortown

Town of Thomasville

Salem

City of Winfall

* The North Carolina Bar Association did not call for a moratorium per se, but it recommended three specific legislative proposals concerning the death penalty and a suspension of death sentences (imposed by laws or procedures that are inconsistent with the proposed changes) while the legislature considers those changes.

****Updated August 26, 2005**