

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 109

Short Title: Require Experience for Death Penalty Cases . (Public)

Sponsors: Senators Shaw of Guilford; Ballantine, Kerr, Odom, Rand, and Wellons.

Referred to: Judiciary II.

February 8, 2001

A BILL TO BE ENTITLED

1 AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT
2 RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE
3 ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES.

4 The General Assembly of North Carolina enacts:

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6 **SECTION 1.** The Supreme Court is respectfully requested to adopt rules to
7 improve North Carolina's system of capital punishment by establishing minimum
8 standards of training and experience for defense attorneys, prosecutors, and judges
9 handling capital cases. These rules should specify the minimum number of years of
10 legal experience and the minimum amount of felony case experience required of any
11 defense attorney, prosecutor, or judge participating in the trial of a capital case, and may
12 also require specialized training in capital case litigation for any or all of those
13 participants in capital trials.

14 **SECTION 2.** G.S. 7A-498.5(c) reads as rewritten:

15 "(c) The Commission shall develop standards governing the provision of services
16 under this Article. The standards shall include:

- 17 (1) Standards for maintaining and operating regional and district public
18 defender offices and appellate defender offices, including requirements
19 regarding qualifications, training, and size of the legal and supporting
20 staff;
- 21 (2) Standards prescribing minimum experience, training, and other
22 qualifications for appointed counsel;
- 23 (3) Standards for public defender and appointed counsel caseloads;
- 24 (4) Standards for the performance of public defenders and appointed
25 counsel;
- 26 (5) Standards for the independent, competent, and efficient representation
27 of clients whose cases present conflicts of interest, in both the trial and
28 appellate courts;

- 1 (6) Standards for providing and compensating experts and others who
2 provide services related to legal representation;
3 (7) Standards for qualifications and performance in capital cases; cases,
4 consistent with any rules adopted by the Supreme Court; and
5 (8) Standards for determining indigency and for assessing and collecting
6 the costs of legal representation and related services."

7 **SECTION 3.** This act is effective when it becomes law.