



CHAPTER 15

ARTICLE 19 - EXECUTION

N.C.G.S. § 15-194.

Time for execution.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2021-180, s. 19C.9(n), (p) — thirteenth act in the lineage	21 September 2026, 04:12 UTC	1ef6685d01d79b691ba67596 - a8674afcef1bce3220d819e3 - f47f943ae0d57e74

§ 15-194(a)

In sentencing a capital defendant to a death sentence pursuant to G.S. 15A-2000(b), the sentencing judge need not specify the date and time the execution is to be carried out by the Division of Prisons of the Department of Adult Correction. The Attorney General of North Carolina shall provide written notification to the Secretary of the Department of Adult Correction of the occurrence of any of the following not more than 90 days from that occurrence:

- (1) The United States Supreme Court has filed an opinion upholding the sentence of death following completion of the initial State and federal postconviction proceedings, if any;
- (2) The mandate issued by the Supreme Court of North Carolina on direct appeal pursuant to N.C.R. App. P. 32(b) affirming the capital defendant's death sentence and the time for filing a petition for writ of certiorari to the United States Supreme Court has expired without a petition being filed;
- (3) The capital defendant, if indigent, failed to timely seek the appointment of counsel pursuant to G.S. 7A-451(c), or failed to file a timely motion for appropriate relief as required by G.S. 15A-1415(a);
- (4) The superior court denied the capital defendant's motion for appropriate relief, but the capital defendant failed to file a timely petition for writ of certiorari to the Supreme Court of North Carolina pursuant to N.C.R. App. P. 21(f);

- (5) The Supreme Court of North Carolina denied the capital defendant's petition for writ of certiorari pursuant to N.C.R. App. P. 21(f), or, if certiorari was granted, upheld the capital defendant's death sentence, but the capital defendant failed to file a timely petition for writ of certiorari to the United States Supreme Court; or
- (6) Following State postconviction proceedings, if any, the capital defendant failed to file a timely petition for writ of habeas corpus in the appropriate federal district court, or failed to timely appeal or petition an adverse habeas corpus decision to the United States Court of Appeals for the Fourth Circuit or the United States Supreme Court.

The Secretary of the Department of Adult Correction shall immediately schedule a date for the execution of the original death sentence not less than 15 days or more than 120 days from the date of receiving written notification from the Attorney General under this section.

The Secretary shall send a certified copy of the document fixing the date to the clerk of superior court of the county in which the case was tried or, if venue was changed, in which the defendant was indicted. The certified copy shall be recorded in the minutes of the court. The Secretary shall also send certified copies to the capital defendant, the capital defendant's attorney, the district attorney who prosecuted the case, and the Attorney General of North Carolina.

§ 15-194(b)

The Attorney General shall submit a written report to the Joint Legislative Oversight Committee on Justice and Public Safety by April 1, 2014, and thereafter on October 1 of each year, on the status of all pending postconviction capital cases. Alternatively, the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety may direct that the reports required under this subsection be made on other dates consistent with the Committee's schedule.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
13 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1909 1965 2021

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1909	c. 443, s. 6	ENACTED
02	C.S.	s. 4663	RECODIFIED
03	1925	c. 55	AMENDED
04	1951	c. 244, ss. 1, 2	AMENDED
05	1973	c. 47, s. 2	AMENDED
06	1981	c. 900	AMENDED
07	1981	1995 (Reg. Sess., 1996), c. 719, s. 5	AMENDED
08	1997	S.L. 1997-289, s. 1	AMENDED
09	1999	S.L. 1999-358, s. 2	AMENDED
10	2011	S.L. 2011-145, s. 19.1(h), (i)	AMENDED
11	2013	S.L. 2013-154, s. 2	AMENDED
12	2017	S.L. 2017-186, s. 2(mm)	AMENDED
13	2021	S.L. 2021-180, s. 19C.9(n), (p)	AMENDED

APPARATUS II

3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 15A-2000(b)	(a)	<i>"to a death sentence pursuant to"</i>
G.S. 7A-451(c)	(a)(3)	<i>"the appointment of counsel pursuant to"</i>
G.S. 15A-1415(a)	(a)(3)	<i>"for appropriate relief as required by"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15-194 (2021).

PINPOINT

N.C. Gen. Stat. § 15-194(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1909, c. 443, s. 6; C.S., s. 4663; 1925, c. 55; 1951, c. 244, ss. 1, 2; 1973, c. 47, s. 2; 1981, c. 900; 1995 (Reg. Sess., 1996), c. 719, s. 5; 1997-289, s. 1; 1999-358, s. 2; 2011-145, s. 19.1(h), (i); 2013-154, s. 2; 2017-186, s. 2(mm); 2021-180, s. 19C.9(n), (p).)

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