

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40128-ML-71

Short Title: Revise Law on the Death Penalty.

(Public)

Sponsors: Representative Willis.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REVISE THE METHODS OF EXECUTION AVAILABLE FOR A PERSON
CONVICTED OF A CRIMINAL OFFENSE AND SENTENCED TO DEATH.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15-187 is repealed.

SECTION 2. G.S. 15-188 reads as rewritten:

"§ 15-188. Manner and place of execution.

(a) Any person convicted of a criminal offense and sentenced to death shall be executed in accordance with this section and the remainder of this Article. The warden of Central Prison may obtain and employ the drugs necessary to carry out the provisions of this Article, regardless of contrary provisions in Chapter 90 of the General Statutes.

(b) In accordance with G.S. 15-187, the mode of executing a death sentence must in every case be by administering to the convict or felon an intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until the person is dead, and that procedure shall be determined by the Secretary of the Department of Adult Correction, who shall ensure compliance with the federal and State constitutions; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, the punishment shall only be inflicted within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. A person convicted of a criminal offense and sentenced to death shall be executed by electrocution or, at the election of the convicted person, by firing squad or lethal injection, if it is available at the time of election, under the direction of the Secretary of the Department of Adult Correction. The election for death by electrocution, firing squad, or lethal injection must be made in writing 14 days before each execution date or it is waived. If the convicted person receives a stay of execution or the execution date has passed for any reason, then the election expires and must be renewed in writing 14 days before a new execution date. If the convicted person waives the right of election, then the penalty must be administered by electrocution.

(c) If the mode of executing a death sentence is by lethal injection, the warden of Central Prison may obtain and employ the drugs necessary to carry out the provisions of this Article, regardless of contrary provisions in Chapter 90 of the General Statutes. The superintendent of the State penitentiary shall also cause to be provided, in conformity with this Article, the necessary appliances for the infliction of the punishment of death and qualified personnel to set up and prepare the injection, administer the preinjections, insert the IV catheter, and to perform other tasks required for this procedure in accordance with the requirements of this Article.



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(d) Upon receipt of the notice of execution, the Secretary of the Department of Adult Correction shall determine and certify by affidavit under penalty of perjury to the North Carolina Supreme Court whether the methods provided in subsection (a) of this section are available.

(e) A person convicted of a capital crime and sentenced to death prior to the effective date of this section must be administered death by electrocution, unless the person elects death by firing squad or lethal injection, if it is available, in writing 14 days before the execution date.

(f) If execution by lethal injection under this section is determined and certified pursuant to subsection (d) of this section to be unavailable by the Secretary of the Department of Adult Correction or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution, unless the convicted person elects death by firing squad.

(g) The execution shall only be administered within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina.

(h) The Department of Adult Correction shall provide written notice to a convicted person of the person's right to election under this section and the available methods.

(i) The Department of Adult Correction shall establish protocols and procedures for carrying out executions pursuant to this section."

SECTION 3. G.S. 15-188.1 reads as rewritten:

"§ 15-188.1. Health care professional assistance.

(a) Any assistance rendered with an execution under this Article by any licensed health care professional, including, but not limited to, physicians, nurses, and pharmacists, shall not be cause for any disciplinary or corrective measures by any board, commission, or other authority created by the State or governed by State law which oversees or regulates the practice of health care professionals, including, but not limited to, the North Carolina Medical Board, the North Carolina Board of Nursing, and the North Carolina Board of Pharmacy.

(b) The infliction of the punishment of death under this Article, including by administration of the required lethal substances under this Article substances, shall not be construed to be the practice of medicine."

SECTION 4. G.S. 15-190(a) reads as rewritten:

"(a) Correction custody personnel or some other reliable person or persons to be named and designated by the warden from time to time shall cause the person, convict or felon against whom the death sentence has been so pronounced to be executed as provided by this Article and all amendments thereto. The execution shall be under the general supervision and control of the warden of the penitentiary, who shall from time to time, in writing, name and designate the correctional custody personnel or other reliable person or persons who shall cause the person, convict or felon against whom the death sentence has been pronounced to be executed as provided by this Article and all amendments thereto. At such execution there shall be present the warden or deputy warden or some person designated by the warden in the warden's place, and a licensed physician, or a medical professional other than a physician, to monitor the injection of the required lethal ~~substances~~ substances, if any, and certify the fact of the execution. If a licensed physician is not present at the execution, then a licensed physician shall be present on the premises and available to examine the body after the execution and pronounce the person dead. Four respectable citizens, two members of the victim's family, the counsel and any relatives of such person, convict or felon and a minister or member of the clergy or religious leader of the person's choosing may be present if they so desire. The identities, including the names, residential addresses, residential telephone numbers, and social security numbers, of witnesses or persons designated to carry out the execution shall be confidential and exempted from Chapter 132 of the General Statutes and are not subject to discovery or introduction as evidence in any proceeding. The Senior Resident Superior Court Judge for Wake County may order disclosure of names made

1 confidential by this section after making findings that support a conclusion that disclosure is
2 necessary to a proper administration of justice.

3 For purposes of this section, a "medical professional other than a physician" means a
4 physician assistant, nurse practitioner, registered nurse, emergency medical technician, or
5 emergency medical technician-paramedic who is licensed or credentialed by the licensing board,
6 agency, or organization responsible for licensing or credentialing that profession."

7 **SECTION 5.** G.S. 15-191 reads as rewritten:

8 **"§ 15-191. Pending sentences unaffected.**

9 Nothing in ~~G.S. 15-187~~, G.S. 15-187 prior to its repeal, 15-188, and 15-190 shall be
10 construed to alter in any manner the execution of the sentence of death imposed on account of
11 any crime or crimes committed before July 1, 1935."

12 **SECTION 6.** If any provision of this act or its application is held invalid, the
13 invalidity does not affect other provisions or applications of this act that can be given effect
14 without the invalid provisions or application and, to this end, the provisions of this act are
15 severable.

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