



HOUSE BILL 215: Procedure for Waiver of Jury Trial

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	House Judiciary III	Date:	March 31, 2015
Introduced by:	Reps. Stevens, Bryan, Floyd, D. Hall	Prepared by:	Janice Paul
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 215 establishes the procedure for waiver of the right to a jury trial in criminal cases in superior court.*

BACKGROUND: In the fall of 2014, North Carolina voters approved an amendment to Section 24 of Article I of the North Carolina Constitution to allow bench trials for felonies in superior court. Except when the State is seeking a sentence of death, a criminal defendant whose case was arraigned in superior court on or after December 1, 2014, has the right to request a waiver of trial by jury and instead be tried by a judge. House Bill 215 was recommended by the North Carolina Courts Commission in a March 2015 report to the General Assembly.

BILL ANALYSIS: House Bill 215 would add provisions to current G.S. 15A-1201, "Right to trial by jury trial; procedure for waiver of jury trial," to establish specific procedures for waiver of the right to a jury trial in criminal cases in Superior Court.

Section 1 of HB 215 would provide that a defendant who seeks to waive a jury trial in cases in which the State is not seeking the death penalty must give notice of intent to waive a jury trial by any of the following methods:

- Serving a stipulation signed by the State and the defendant on the counsel for any co-defendants.
- Filing a notice of intent to waive a jury trial with the court and serving it on the State and counsel for any co-defendants within the earliest of any of the specified times.
- Giving notice of intent to waive a jury trial on the record in open court within one of the specified times.

The waiver would extend to all matters of law and fact, including all factors listed in the specified provisions under the chapter on motor vehicles and under the Criminal Procedure Act. The State would be permitted to contact the trial judge to determine whether the judge agrees to hear the case without a jury. If the trial judge consents to the waiver of a jury trial, that consent may not be revoked absent a finding by the judge that such revocation could cause unreasonable hardship or delay to the State. This subsection would also require a superior court judge, on motion of the defendant, to make written findings of fact and conclusions of law on a ruling on a motion to suppress evidence, and provide that a motion to recuse the trial judge may be appropriate if the trial judge made the ruling in a prior suppression hearing.

Sections 2 and 3 of HB 215 would require a trial judge to make all findings that would be required of a jury when a defendant waives the right to a jury trial.

EFFECTIVE DATE: This act becomes effective July 1, 2015, and applies to defendants waiving their right to trial by jury on or after that date.

