



State of North Carolina

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May 30, 2013

Honorable Bob Goodlatte
Chairman, Committee on the Judiciary
Congress of the United States
House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Dear Representative Goodlatte:

Attorney General Roy Cooper received your letter of May 7, 2013, requesting information about local prosecution in the State of North Carolina. I have been asked to respond to your inquiry.

In North Carolina, the Attorney General does not supervise or oversee the elected District Attorneys or their assistants. Each District Attorney is a constitutionally elected officer. However, this Office works closely with the prosecutors throughout the State. In an effort to assist you in your compilation of data, I contacted Peg Dorer, the Executive Director of the North Carolina Conference of District Attorneys, about your specific questions. Ms. Dorer provided the following information:

1. Prosecutors in the state of North Carolina would treat the deliberate killing of newborns including those delivered alive in the process of abortions as a criminal offense. However, there have been no cases of record to reference at this time.
2. The legislature of North Carolina has not enacted any laws specifically to protect newborns delivered alive during the process of abortions. However, on April 7, 2011, the General Assembly of North Carolina drafted House Bill 683, entitled the "Born Alive Infant Protection Act" which was sponsored by Representative Blust amongst others. The bill however was only proposed and does not appear to have made it to a vote. A copy of the draft of Bill 683 is attached for review.
3. North Carolina does not have a different statute of limitations for the culpability in death of an infant and culpability in the death of human beings in the later stages of development. As all of those would currently apply as felonies and have no statute of

May 30, 2013

Page 2

limitations. However, if there was an instance where the culpability would rise to only that of a misdemeanor, then the misdemeanor two (2) year statute of limitations would apply.

4. After polling numerous elected District Attorneys as well as many of their long time assistants, it does not appear that there has been an instance where someone was criminally prosecuted for the death or serious injury to a woman resulting from an abortion. This lack of prosecution does not reflect a position on this issue from prosecutors in this state, but instead appears to be due to the lack of an instance like this occurring. Most jurisdictions stated that there was no abortion clinic within their jurisdiction, thus negating the opportunity for this type of case to be brought.
5. After polling numerous elected District Attorneys as well as many of their long time assistants, it does not appear that there has been an instance where someone was criminally prosecuted for performing "late term" abortions. This lack of prosecution does not reflect a position on this issue from prosecutors in this state, but instead appears to be due to the lack of an instance like this occurring. Most jurisdictions stated that there was no abortion clinic within their jurisdiction, thus negating the opportunity for this type of case to be brought.

I hope this information is helpful to your inquiry.

Sincerely,



William P. Hart, Sr.
Senior Deputy Attorney General
Criminal Division