

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 117
Judiciary I Committee Substitute Adopted 5/3/89

Short Title: Drug Traffic Murder.

(Public)

Sponsors:

Referred to:

February 6, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND G.S. 15A-2000 REGARDING AGGRAVATING FACTORS
3 FOR CONSIDERATION IN DETERMINING WHETHER TO IMPOSE THE
4 DEATH PENALTY ON A CONVICTED DEFENDANT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 15A-2000(e) reads as rewritten:

7 "(e) Aggravating Circumstances. – Aggravating circumstances which may be
8 considered shall be limited to the following:

- 9 (1) The capital felony was committed by a person lawfully incarcerated.
- 10 (2) The defendant had been previously convicted of another capital felony.
- 11 (3) The defendant had been previously convicted of a felony involving the
12 use or threat of violence to the person.
- 13 (4) The capital felony was committed for the purpose of avoiding or
14 preventing a lawful arrest or effecting an escape from custody.
- 15 (5) The capital felony was committed while the defendant was engaged, or
16 was an aider or abettor, in the commission of, or an attempt to commit,
17 or flight after committing or attempting to commit, any homicide,
18 robbery, rape or a sex offense, arson, burglary, kidnapping, or while
19 engaged in trafficking in a controlled substance as defined by G.S. 90-
20 95, or aircraft piracy or the unlawful throwing, placing, or discharging
21 of a destructive device or bomb.
- 22 (6) The capital felony was committed for pecuniary gain.

- 1 (7) The capital felony was committed to disrupt or hinder or in retaliation
2 for the lawful exercise of any governmental function or the
3 enforcement of laws.
- 4 (8) The capital felony was committed against a law-enforcement officer,
5 employee of the Department of Correction, jailer, fireman, judge or
6 justice, former judge or justice, prosecutor or former prosecutor, juror
7 or former juror, or witness or former witness against the defendant,
8 while engaged in the performance of his official duties or because of
9 the exercise of his official duty.
- 10 (9) The capital felony was especially heinous, atrocious, or cruel.
- 11 (10) The defendant knowingly created a great risk of death to more than
12 one person by means of a weapon or device which would normally be
13 hazardous to the lives of more than one person.
- 14 (11) The murder for which the defendant stands convicted was part of a
15 course of conduct in which the defendant engaged and which included
16 the commission by the defendant of other crimes of violence against
17 another person or persons."

18 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
19 offenses occurring on or after that date.