GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2001**

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SENATE BILL 765

Short Title: Redefine Murder. (Public)

Senator Horton (By Request). **Sponsors:**

Referred to: Judiciary I.

April 2, 2001

1 A BILL TO BE ENTITLED

2 AN ACT TO REDEFINE FIRST AND SECOND DEGREE MURDERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-17 reads as rewritten:

"§ 14-17. Murder in the first and second degree defined; punishment.

- A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in against any law enforcement officer during the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life without parole. Provided, however, any person under the age of 17 who commits murder in the first degree while serving a prison sentence imposed for a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000.
- All other kinds of murder, including that which shall be proximately caused (b) by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance described in G.S. 90-90(1)d., when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class B2 felon. follows:
 - As a Class B1 felon upon a finding beyond a reasonable doubt of the (1) existence of any of the following:

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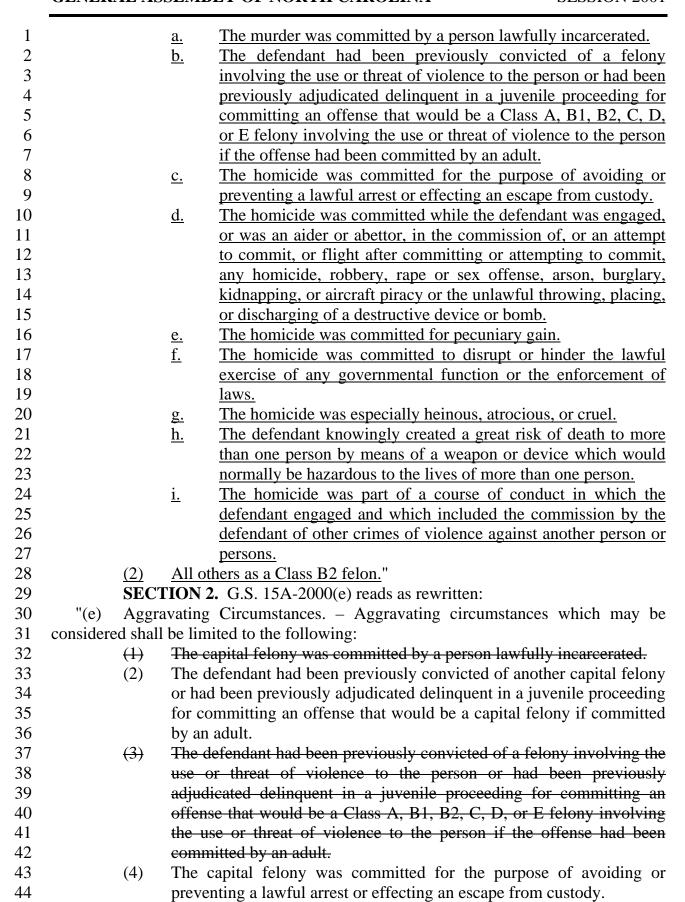
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1 (5) The capital felony was committed while the defendant was engaged, or 2 was an aider or abettor, in the commission of, or an attempt to commit, 3 or flight after committing or attempting to commit, any homicide, 4 robbery, rape or a sex offense, arson, burglary, kidnapping, or aircraft 5 piracy or the unlawful throwing, placing, or discharging of a 6 destructive device or bomb. 7 (6) The capital felony was committed for pecuniary gain. 8 (7)The capital felony was committed to disrupt or hinder the lawful 9 exercise of any governmental function or the enforcement of laws. 10 (8) The capital felony was committed against a law-enforcement officer, 11 employee of the Department of Correction, jailer, fireman, judge or 12 justice, former judge or justice, prosecutor or former prosecutor, juror 13 or former juror, or witness or former witness against the defendant, while engaged in the performance of his official duties or because of 14 15 the exercise of his official duty. 16 (9) The capital felony was especially heinous, atrocious, or cruel. The defendant knowingly created a great risk of death to more than 17 (10)one person by means of a weapon or device which would normally be 18 19 hazardous to the lives of more than one person. 20 (11)The murder for which the defendant stands convicted was part of a 21 course of conduct in which the defendant engaged and which included the commission by the defendant of other-crimes of violence against 22 23 another person or persons. resulting in the death of the person." 24 **SECTION 3.** This act becomes effective December 1, 2001, and applies to

offenses committed on or after that date.

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