

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**HOUSE BILL 1436  
RATIFIED BILL**

AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL SENTENCING.

The General Assembly of North Carolina enacts:

**SECTION 1.** The North Carolina Sentencing and Policy Advisory Commission, pursuant to its statutory responsibilities under Article 4 of Chapter 164 of the General Statutes, shall study aggravating factors which may be considered in capital felony sentencing pursuant to G.S. 15A-2000(e). In particular, the Commission shall examine the question of whether the State's capital sentencing law should include as an aggravating factor that the capital felony was committed at a time when the defendant knew the behavior was prohibited by a valid protective order entered pursuant to Chapter 50B of the General Statutes of North Carolina, or by a valid protective order entered by the courts of another state or the courts of an Indian tribe. The Commission shall report its findings and recommendations to the 2005 General Assembly not later than May 1, 2006. The report shall describe the Commission's deliberations and shall include any policy recommendations and proposed legislation.

**SECTION 2.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 11<sup>th</sup> day of August, 2005.

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Beverly E. Perdue  
President of the Senate

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James B. Black  
Speaker of the House of Representatives

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Michael F. Easley  
Governor

Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, 2005