

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35061-RK-2 (12/29)

Short Title: Murder/Violation of Prot. Order.

(Public)

Sponsors: Senator Boseman.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CLASS A FELONY WITH LIFE IMPRISONMENT WITHOUT PAROLE IF A PERSON WHO WAS THE RESPONDENT OF, AND SUBJECT TO, A DOMESTIC VIOLENCE PROTECTIVE ORDER MURDERS THE PETITIONER WHO OBTAINED THE ORDER, OR SOME OTHER PARTY THAT HAD BEEN DESIGNATED AS A PERSON PROTECTED BY THE ORDER.

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 a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in 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~~18 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.~~ Unless the conduct is covered under some other provision of law providing greater punishment, if a murder is committed (i) by a person who was a respondent and subject

1 to a valid protective order entered pursuant to Chapter 50B of the General Statutes, by
2 the courts of another state, or the courts of an Indian tribe, and (ii) the murder victim
3 was the petitioner, minor family member, or any other person designated as a protected
4 party by the court order, then the murder shall be deemed to be in the first degree, a
5 Class A felony, and any person who commits such murder shall be punished with
6 imprisonment in the State's prison for life without parole. All other kinds of murder,
7 including that which shall be proximately caused by the unlawful distribution of opium
8 or any synthetic or natural salt, compound, derivative, or preparation of opium, or
9 cocaine or other substance described in G.S. 90-90(1)d., or methamphetamine, when the
10 ingestion of such substance causes the death of the user, shall be deemed murder in the
11 second degree, and any person who commits such murder shall be punished as a Class
12 B2 felon."

13 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
14 offenses committed on or after that date.