

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15312-NJa-61A

Short Title: Up SHP Pay & Death Benefits/Death Penalty. (Public)

Sponsors: Senator Burgin (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT INCREASING THE PAY AND DEATH BENEFITS OF MEMBERS OF THE
3 STATE HIGHWAY PATROL KILLED OR MURDERED IN THE LINE OF DUTY AND
4 REQUIRING THAT A JURY DECIDE THE DEFENDANT'S SENTENCE IN EVERY
5 CASE INVOLVING THE MURDER OF A LAW ENFORCEMENT OFFICER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** G.S. 143-166.3 reads as rewritten:

8 **"§ 143-166.3. Payments; determination.**

9 (a) When any covered person is killed in the line of duty, the Industrial Commission shall
10 award a death benefit in the amount of one hundred thousand dollars (\$100,000) to be paid to
11 one of the following:

- 12 (1) The spouse of the covered person if there is a surviving spouse.
13 (2) If there is no surviving spouse, then payments shall be made to any surviving
14 dependent child of the covered person. If there is more than one surviving
15 dependent child, then the payment shall be made to and equally divided among
16 all surviving dependent children.
17 (3) If there is no surviving spouse and no surviving dependent child or children,
18 then payments shall be made to any surviving dependent parent of the covered
19 person. If there is more than one surviving dependent parent, then the
20 payments shall be made to and equally divided between the surviving
21 dependent parents of the covered person.
22 (4) If there is no surviving spouse, surviving dependent child, or surviving
23 dependent parent, then the payment shall be made to the estate of the deceased
24 covered person.

25 (a1) On and after July 1, 2021, when any covered person who is a member of the State
26 Highway Patrol is killed in the line of duty, in addition to the award under subsection (a) of this
27 section, the Industrial Commission shall award a death benefit in the amount of nine hundred
28 thousand dollars (\$900,000) to be paid to one of the following:

- 29 (1) The spouse of the covered person if there is a surviving spouse.
30 (2) If there is no surviving spouse, then payments shall be made to any surviving
31 dependent child of the covered person. If there is more than one surviving
32 dependent child, then the payment shall be made to and equally divided among
33 all surviving dependent children.
34 (3) If there is no surviving spouse and no surviving dependent child or children,
35 then payments shall be made to any surviving dependent parent of the covered
36 person. If there is more than one surviving dependent parent, then the



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1 payments shall be made to and equally divided between the surviving
 2 dependent parents of the covered person.

3 (4) If there is no surviving spouse, surviving dependent child, or surviving
 4 dependent parent, then the payment shall be made to the estate of the deceased
 5 covered person.

6 ...

7 (e) On and after July 1, 2016, when any covered person is murdered in the line of duty,
 8 in addition to the ~~award~~ awards under ~~subsection~~ subsections (a) and (a1) of this section, the
 9 Industrial Commission shall award a death benefit in the amount of one hundred thousand dollars
 10 (\$100,000) to be paid to one of the following:

11 (1) The spouse of the covered person if there is a surviving spouse.

12 (2) If there is no surviving spouse, then payments shall be made to any surviving
 13 dependent child of the covered person. If there is more than one surviving
 14 dependent child, then the payment shall be made to and equally divided among
 15 all surviving dependent children.

16 (3) If there is no surviving spouse and no surviving dependent child or children,
 17 then payments shall be made to any surviving dependent parent of the covered
 18 person. If there is more than one surviving dependent parent, then the
 19 payments shall be made to and equally divided between the surviving
 20 dependent parents of the covered person.

21 (4) If there is no surviving spouse, surviving dependent child, or surviving
 22 dependent parent, then the payment shall be made to the estate of the deceased
 23 covered person."

24 **SECTION 1.(b)** There is appropriated from the General Fund to the Department of
 25 State Treasurer the sum of six hundred thousand dollars (\$600,000) in recurring funds for the
 26 2023-2024 fiscal year and the sum of six hundred thousand dollars (\$600,000) in recurring funds
 27 for the 2024-2025 fiscal year to pay benefits provided for under Article 12A of Chapter 143 of
 28 the General Statutes.

29 **SECTION 1.(c)** This section becomes effective July 1, 2023, and applies to
 30 qualifying deaths occurring on or after that date.

31 **SECTION 2.(a)** G.S. 15A-2001 reads as rewritten:

32 "**§ 15A-2001. Capital offenses; plea of guilty.**

33 (a) Any defendant who has been indicted for an offense punishable by death may enter a
 34 plea of guilty at any time after the indictment.

35 (b) ~~If~~ Except as provided in subsection (b1) of this section, if the defendant enters a guilty
 36 plea to first degree murder and the State has not given notice of intent to seek the death penalty
 37 as provided in G.S. 15A-2004 or the State has agreed to accept a sentence of life imprisonment
 38 where it initially gave notice of intent to seek the death penalty, then the court shall sentence the
 39 person to life imprisonment. The defendant may plead guilty to first degree murder and the State
 40 may agree to accept a sentence of life imprisonment, even if evidence of an aggravating
 41 circumstance exists.

42 (b1) If the defendant enters a guilty plea to first degree murder in a case involving the
 43 murder of a law enforcement officer, employee of the Department of Adult Correction or the
 44 Department of Public Safety Division of Juvenile Justice, jailer, firefighter, judge or justice,
 45 former judge or justice, prosecutor or former prosecutor, juror or former juror, or witness or
 46 former witness against the defendant, while engaged in the performance of the person's official
 47 duties or because of the exercise of the person's official duty, the State shall not agree to accept
 48 a sentence of life imprisonment under subsection (b) of this section, but the jury shall make a
 49 recommendation as to the appropriate sentence pursuant to G.S. 15A-2000.

50 (c) If the defendant enters a guilty plea to first degree murder and the State has given
 51 notice of its intent to seek the death penalty, then the court may sentence the defendant to life

1 imprisonment or to death pursuant to the procedures of G.S. 15A-2000. Before sentencing the
2 defendant in a case in which the State has given notice of its intent to seek the death penalty, the
3 presiding judge shall impanel a jury for the limited purpose of hearing evidence and determining
4 a sentence recommendation as to the appropriate sentence pursuant to G.S. 15A-2000. The jury's
5 sentence recommendation in cases where the defendant pleads guilty and the State has given
6 notice of its intent to seek the death penalty shall be determined under the same procedure of
7 G.S. 15A-2000 applicable to defendants who have been tried and found guilty by a jury."

8 **SECTION 2.(b)** This section becomes effective December 1, 2023.

9 **SECTION 3.** The provisions of this act are severable. If any provision of this act is
10 held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions
11 of this act which can be given effect without the invalid provision.

12 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
13 law.