

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 693
HOUSE BILL 541

AN ACT TO ELIMINATE THE DEATH PENALTY FOR PERSONS UNDER THE
AGE OF SEVENTEEN.

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 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, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to ~~G.S. 15A-2000~~. 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. 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 as the court shall determine pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium 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 C felon."

Sec. 2. This act is effective upon ratification and shall only apply to persons indicted on or after that date.

In the General Assembly read three times and ratified this the 29th day of July, 1987.