

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 117

Short Title: Drug Traffic Murder.

(Public)

Sponsors: Senators Simpson; and Kincaid.

Referred to: Judiciary I.

February 6, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT MURDER COMMITTED WHILE ENGAGED IN DRUG TRAFFICKING IS AN AGGRAVATING CIRCUMSTANCE FOR CONSIDERATION IN DETERMINING WHETHER TO IMPOSE A DEATH PENALTY ON A CONVICTED DEFENDANT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-2000(e) reads as rewritten:

"(e) Aggravating Circumstances. – Aggravating circumstances which may be considered shall be limited to the following:

- (1) The capital felony was committed by a person lawfully incarcerated.
- (2) The defendant had been previously convicted of another capital felony.
- (3) The defendant had been previously convicted of a felony involving the use or threat of violence to the person.
- (4) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- (5) The capital felony was committed while the defendant was engaged, or was an aider or abettor, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any homicide, robbery, rape or a sex offense, arson, burglary, kidnapping, or aircraft piracy or the unlawful throwing, placing, or discharging of a destructive device or bomb.
- (6) The capital felony was committed for pecuniary gain.
- (7) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

- 1 (8) The capital felony was committed against a law-enforcement officer,
2 employee of the Department of Correction, jailer, fireman, judge or
3 justice, former judge or justice, prosecutor or former prosecutor, juror
4 or former juror, or witness or former witness against the defendant,
5 while engaged in the performance of his official duties or because of
6 the exercise of his official duty.
- 7 (9) The capital felony was especially heinous, atrocious, or cruel.
- 8 (10) The defendant knowingly created a great risk of death to more than
9 one person by means of a weapon or device which would normally be
10 hazardous to the lives of more than one person.
- 11 (11) The murder for which the defendant stands convicted was part of a
12 course of conduct in which the defendant engaged and which included
13 the commission by the defendant of other crimes of violence against
14 another person or persons.
- 15 (12) The defendant committed the murder while engaged in trafficking in a
16 controlled substance as defined by the provisions of G.S. 90-95."
- 17 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
18 offenses occurring on or after that date.