

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 361

Short Title: Additional Aggravating Factors.

(Public)

Sponsors: Senator Simpson.

Referred to: Judiciary II.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO MAKE NORTH CAROLINA'S CAPITAL PUNISHMENT STATUTE
MORE EQUITABLE.

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.
- (8) The capital felony was committed against a law-enforcement officer, employee of the Department of Correction, jailer, fireman, judge or

1 justice, former judge or justice, prosecutor or former prosecutor, juror
2 or former juror, or witness or former witness against the defendant,
3 while engaged in the performance of his official duties or because of
4 the exercise of his official duty.

5 (9) The capital felony was especially heinous, atrocious, or cruel.

6 (10) The defendant knowingly created a great risk of death to more than
7 one person by means of a weapon or device which would normally be
8 hazardous to the lives of more than one person.

9 (11) The murder for which the defendant stands convicted was part of a
10 course of conduct in which the defendant engaged and which included
11 the commission by the defendant of other crimes of violence against
12 another person or persons.

13 (12) The murder for which the defendant stands convicted involved the
14 intentional killing of the victim because of the victim's race, color,
15 religion, nationality, or country of origin.

16 (13) The murder for which the defendant stands convicted involved a
17 victim who was a child 12 years of age or under and the defendant
18 acted with the specific intent to kill.

19 (14) The capital felony was committed against the President or Vice
20 President of the United States, a member of the United States
21 Congress, the Governor or Lieutenant Governor of North Carolina, or
22 of any other state, or the head of any foreign country, and the capital
23 felony was committed because of the victim's official position."

24 Sec. 2. This act becomes effective October 1, 1991, and applies to all capital
25 felonies committed on or after that date.