

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 811

Short Title: New Capital Crime/Repeal Life Review.

(Public)

Sponsors: Representatives Justus; Baker, Beall, Berry, Brawley, J. Brown, Capps, Clary, Cocklereece, Culp, Davis, Decker, Eddins, Edwards, Hayes, Hiatt, Ives, Kiser, Lemmond, McComas, McMahan, Mercer, Miner, Mitchell, Morgan, Nichols, Preston, Rayfield, Reynolds, Russell, Sharpe, Snowden, Thompson, and G. Wilson.

Referred to: Judiciary II.

April 11, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL JUDICIAL REVIEW OF LIFE SENTENCES WITHOUT
2 PAROLE AFTER TWENTY-FIVE YEARS AND EVERY TWO YEARS
3 THEREAFTER AND TO PROVIDE THAT A PERSON WHO MURDERS A LAW
4 ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, A DISTRICT
5 ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, A JUSTICE, OR A
6 JUDGE IS GUILTY OF A CAPITAL OFFENSE, PUNISHABLE BY DEATH OR
7 LIFE IMPRISONMENT WITHOUT PAROLE.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. Article 85B of Chapter 15A of the General Statutes is repealed.

11 Sec. 2. Article 6 of Chapter 14 of the General Statutes is amended by adding a
12 new section to read:

13 "**§ 14-17.2. Murder of a law enforcement officer, a correctional officer, a district**
14 **attorney, an assistant district attorney, a justice, or a judge.**

15 (a) A person is guilty of a Class A felony if the person murders any of the
16 following people while they are discharging their official duties:

17 (1) A law enforcement officer.

1 (2) A correctional officer.

2 (3) A district attorney or assistant district attorney.

3 (4) A justice or a judge.

4 (b) A person convicted of an offense under this section shall be sentenced to death
5 or life imprisonment without parole pursuant to G.S. 15A-2000."

6 Sec. 3. G.S. 14-17 reads as rewritten:

7 **"§ 14-17. Murder in the first and second degree defined; punishment.**

8 A murder which shall be perpetrated by means of poison, lying in wait, imprisonment,
9 starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or
10 which shall be committed in the perpetration or attempted perpetration of any arson, rape
11 or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted
12 with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class
13 A felony, and any person who commits such murder shall be punished with death or
14 imprisonment in the State's prison for life without parole as the court shall determine
15 pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age at
16 the time of the murder shall be punished with imprisonment in the State's prison for life
17 without parole. Provided, however, any person under the age of 17 who commits murder
18 in the first degree while serving a prison sentence imposed for a prior murder or while on
19 escape from a prison sentence imposed for a prior murder shall be punished with death or
20 imprisonment in the State's prison for life without parole as the court shall determine
21 pursuant to G.S. 15A-2000. Except as provided in G.S. 14-17.2, all ~~At~~ other kinds of
22 murder, including that which shall be proximately caused by the unlawful distribution of
23 opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or
24 cocaine or other substance described in G.S. 90-90(a)4., when the ingestion of such
25 substance causes the death of the user, shall be deemed murder in the second degree, and
26 any person who commits such murder shall be punished as a Class B2 felon."

27 Sec. 4. Sections 2 and 3 of this act become effective December 1, 1995, and
28 apply to offenses committed on or after that date. The remainder of this act is effective
29 upon ratification.