

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 178

Short Title: Drunk Driving Death Is Felony Murder.

(Public)

Sponsors: Representatives Decker; Barnhart, Bowie, Cansler, Capps, Culp, Daughtry, Davis, Dockham, Eddins, Esposito, Gulley, Harrington, Hilton, Holmes, Howard, Johnson, Kiser, Morris, Oldham, Preston, Rayfield, Setzer, Sexton, Sherrill, Shubert, Starnes, Walend, Walker, Weatherly, and G. Wilson.

Referred to: Judiciary II.

February 20, 2001

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON WHO COMMITS THE OFFENSE OF
2 HABITUAL IMPAIRED DRIVING AND WHO KILLS ANOTHER PERSON AS
3 A RESULT OF THAT OFFENSE MAY BE GUILTY OF FELONY MURDER.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** 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,
9 imprisonment, starving, torture, or by any other kind of willful, deliberate, and
10 premeditated killing, or which shall be committed in the perpetration or attempted
11 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, offense
12 of habitual impaired driving, or other felony committed or attempted with the use of a
13 deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and
14 any person who commits such murder shall be punished with death or imprisonment in
15 the State's prison for life without parole as the court shall determine pursuant to G.S.
16 15A-2000, except that any such person who was under 17 years of age at the time of the
17 murder shall be punished with imprisonment in the State's prison for life without parole.
18 Provided, however, any person under the age of 17 who commits murder in the first
19 degree while serving a prison sentence imposed for a prior murder or while on escape
20 from a prison sentence imposed for a prior murder shall be punished with death or
21 imprisonment in the State's prison for life without parole as the court shall determine
22 pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be
23 proximately caused by the unlawful distribution of opium or any synthetic or natural
24 salt, compound, derivative, or preparation of opium, or cocaine or other substance

1 described in G.S. 90-90(1)d., when the ingestion of such substance causes the death of
2 the user, shall be deemed murder in the second degree, and any person who commits
3 such murder shall be punished as a Class B2 felon."

4 **SECTION 2.** This act becomes effective December 1, 2001, and applies to
5 offenses committed on or after that date.