

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH30250-LH-55A (2/13)

Short Title: Felony Murder/No Death Penalty.

(Public)

Sponsors: Representative Luebke.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FELONY MURDER IS PUNISHABLE BY LIFE
IMPRISONMENT WITHOUT PAROLE ONLY.

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 a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, 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~~ killing shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to 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 without parole. 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 without parole 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, or cocaine or other substance described in G.S. 90-90(1) d., 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 B2 felon."

1 **SECTION 2.** Article 6 of Chapter 14 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 14-17.2. Felony murder defined; punishment.**

4 (a) A murder that is committed in the perpetration or attempted perpetration of
5 any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony
6 committed or attempted with the use of a deadly weapon is felony murder. Felony
7 murder is deemed to be murder in the first degree, a Class A felony, punishable only as
8 provided in subsection (b) of this section.

9 (b) Notwithstanding G.S. 15A-1340.17, felony murder is punishable by life
10 imprisonment without parole and is not punishable by death. If a defendant is convicted
11 of felony murder, the judge shall impose a sentence of life imprisonment without
12 parole."

13 **SECTION 3.** This act is effective when it becomes law.