

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS65386-RK-11 (03/01)

Short Title: Methadone Distribution/2nd Degree Murder.

(Public)

Sponsors: Senator Snow.

Referred to:

BILL TO BE ENTITLED

1
2 AN ACT TO INCLUDE METHADONE, AND ALL OTHER SCHEDULE II
3 CONTROLLED SUBSTANCES, IN THE LAW THAT PROVIDES THAT THE
4 UNLAWFUL DISTRIBUTION OF CERTAIN CONTROLLED SUBSTANCES
5 THAT CAUSES THE DEATH OF THE USER IS SECOND DEGREE MURDER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-17 reads as rewritten:

8 "**§ 14-17. Murder in the first and second degree defined; punishment.**

9 A murder which shall be perpetrated by means of a nuclear, biological, or chemical
10 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait,
11 imprisonment, starving, torture, or by any other kind of willful, deliberate, and
12 premeditated killing, or which shall be committed in the perpetration or attempted
13 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other
14 felony committed or attempted with the use of a deadly weapon shall be deemed to be
15 murder in the first degree, a Class A felony, and any person who commits such murder
16 shall be punished with death or imprisonment in the State's prison for life without parole
17 as the court shall determine pursuant to G.S. 15A-2000, except that any such person
18 who was under 17 years of age at the time of the murder shall be punished with
19 imprisonment in the State's prison for life without parole. Provided, however, any
20 person under the age of 17 who commits murder in the first degree while serving a
21 prison sentence imposed for a prior murder or while on escape from a prison sentence
22 imposed for a prior murder shall be punished with death or imprisonment in the State's
23 prison for life without parole as the court shall determine pursuant to G.S. 15A-2000.
24 All other kinds of murder, including that which shall be proximately caused by the
25 unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or
26 preparation of opium, or cocaine or other substance described in G.S. ~~90-90,90-90(1)d.,~~
27 ~~or methamphetamine,~~ when the ingestion of such substance causes the death of the user,

1 shall be deemed murder in the second degree, and any person who commits such
2 murder shall be punished as a Class B2 felon."
3 **SECTION 2.** This act becomes effective December 1, 2006, and applies to
4 offenses committed on or after that date.