

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH70306-LH-98 (02/03)

Short Title: Felony Murder.

(Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE STATUTORY OFFENSE OF FELONY MURDER.
3 The General Assembly of North Carolina enacts:

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

5 "§ 14-17. **Murder in the first and second degree defined; punishment.**

6 (a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical
7 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment,
8 starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which
9 shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex
10 offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of
11 a deadly weapon killing shall be deemed to be murder in the first degree, a Class A felony, and
12 any person who commits such murder shall be punished with death or imprisonment in the
13 State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000,
14 except that any such person who was under 18 years of age at the time of the murder shall be
15 punished with imprisonment in the State's prison for life without parole.

16 (b) Unless a person's conduct is covered under some other provision of law providing
17 greater punishment, a murder which shall be committed in the perpetration or attempted
18 perpetration of any arson, rape or sex offense, robbery, kidnapping, burglary, or other felony
19 committed or attempted with the use of a deadly weapon shall be deemed to be felony murder,
20 and any person who commits such murder shall be punished with imprisonment in the State's
21 prison for life without parole.

22 (c) ~~All other kinds of murder.~~ A murder not described in subsection (a) or subsection (b)
23 of this section, including that which shall be proximately caused by the unlawful distribution of
24 opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or
25 cocaine or other substance described in G.S. 90-90(1)d., or methamphetamine, when the
26 ingestion of such substance causes the death of the user, shall be deemed murder in the second
27 degree, and any person who commits such murder shall be punished as a Class B2 felon."

28 SECTION 2. This act becomes effective December 1, 2009, and applies to
29 offenses committed on or after that date. Prosecutions for offenses committed before the
30 effective date of this act are not abated or affected by this act, and the statutes that would be
31 applicable but for this act remain applicable to those prosecutions.

