

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1123

Short Title: Kill Law Officer/Capital Crime.

(Public)

Sponsors: Representatives Justus; Bowen, Chapin, J. W. Crawford, Dockham, Fletcher, Howard, Ligon, McLawhorn, Mercer, Privette, Rhodes, Smith, Warner, and Woodard.

Referred to: Judiciary I.

April 24, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT IT IS FIRST-DEGREE MURDER TO KILL A LAW
3 ENFORCEMENT OFFICER.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 6 of Chapter 14 is amended by adding a new section to
6 read:

7 "**§ 14-17.2. Murder of a law enforcement officer.**

8 (a) Any person who murders a law enforcement officer while the officer is
9 discharging his official duties shall be guilty of a Class A felony.

10 (b) A person convicted of an offense under this section shall be sentenced to
11 death or life imprisonment pursuant to G.S. 15A-2000. If the recommendation of the
12 jury is that the defendant be imprisoned for life in the State's prison, the judge shall
13 impose a mandatory minimum sentence of life imprisonment to be served as active time
14 in the State prison by the defendant. A person convicted under this section may not
15 receive a suspended sentence or be placed on probation. A person convicted under this
16 section may not receive a reduced sentence. Notwithstanding Article 85 of Chapter
17 15A, a person convicted under this section is not eligible for parole. A person convicted
18 under this section is not eligible for good time or gain time."

19 Sec. 2. G.S. 14-17 reads as rewritten:

20 "**§ 14-17. Murder in the first and second degree defined; punishment.**

21 A murder which shall be perpetrated by means of poison, lying in wait,
22 imprisonment, starving, torture, or by any other kind of willful, deliberate, and
23 premeditated killing, or which shall be committed in the perpetration or attempted

1 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other
2 felony committed or attempted with the use of a deadly weapon shall be deemed to be
3 murder in the first degree, and any person who commits such murder shall be punished
4 with death or imprisonment in the State's prison for life as the court shall determine
5 pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age
6 at the time of the murder shall be punished with imprisonment in the State's prison for
7 life. Provided, however, any person under the age of 17 who commits murder in the
8 first degree while serving a prison sentence imposed for a prior murder or while on
9 escape from a prison sentence imposed for a prior murder shall be punished with death
10 or imprisonment in the State's prison for life as the court shall determine pursuant to
11 G.S. 15A-2000. Except as provided by G.S. 14-17.2, all ~~all~~ other kinds of murder,
12 including that which shall be proximately caused by the unlawful distribution of opium
13 or any synthetic or natural salt, compound, derivative, or preparation of opium, or
14 cocaine or other substance described in G.S. 90-90(a)4., when the ingestion of such
15 substance causes the death of the user, shall be deemed murder in the second degree,
16 and any person who commits such murder shall be punished as a Class C felon."

17 Sec. 3. This act becomes effective October 1, 1991, and applies to offenses
18 committed on or after that date.