

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 931

Short Title: Felony Murder/Life Imprisonment.

(Public)

Sponsors: Senators Kinnaird; Ballance, Lucas, and Martin of Guilford.

Referred to: Judiciary II.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LIFE IMPRISONMENT WITHOUT PAROLE FOR FELONY MURDER.

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 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 shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder felony. Any person convicted of first degree murder solely on the basis of the felony murder rule shall be punished by imprisonment in the State's prison for life without parole. Any person convicted of first degree murder on any other basis listed above 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

1 escape from a prison sentence imposed for a prior murder shall be punished with death or
2 imprisonment in the State's prison for life without parole as the court shall determine
3 pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be
4 proximately caused by the unlawful distribution of opium or any synthetic or natural salt,
5 compound, derivative, or preparation of opium, or cocaine or other substance described
6 in G.S. 90-90(1)d., when the ingestion of such substance causes the death of the user,
7 shall be deemed murder in the second degree, and any person who commits such murder
8 shall be punished as a Class B2 felon."

9 Section 2. This act is effective when it becomes law.