GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2007**

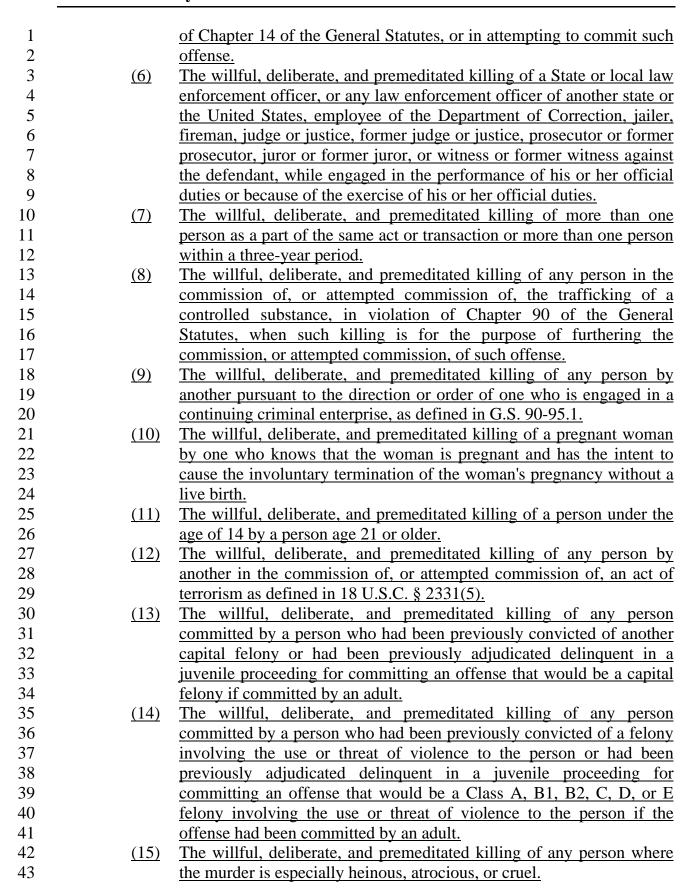
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HOUSE DRH70207-RK-22A (01/31)

Short Title:	Capital Murder Statute. (Public)
Sponsors:	Representative Earle.
Referred to:	
	A BILL TO BE ENTITLED
AN ACT	TO CREATE A CAPITAL MURDER STATUTE, TO AMEND THE
HOMIC	IDE STATUTES, AND TO AMEND THE CAPITAL SENTENCING
LAWS A	AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE
	PITAL PUNISHMENT.
The General Assembly of North Carolina enacts:	
	ECTION 1. G.S. 14-17 is repealed.
	ECTION 2. Article 6 of Chapter 14 of the General Statutes is amended by
adding a new section to read:	
"§ 14-17.2 Capital murder; punishment. The following offenses shall constitute conital mandar:	
	The following offenses shall constitute capital murder:
<u>(</u> _	The willful, deliberate, and premeditated killing of any person for
	pecuniary benefit, or in the commission of a kidnapping, when the
	kidnapping was committed with the intent to extort money for a pecuniary benefit.
C	2) The willful, deliberate, and premeditated killing of any person by
<u>\</u>	another for hire.
C.	The willful, deliberate, and premeditated killing of any person by a
77	person in the custody of a law enforcement officer, the Department of
	Correction, the Department of Juvenile Justice and Delinquency
	Prevention, or any local confinement facility as defined in
	G.S. 153A-217 or G.S. 153A-230.1, or while in the custody of an
	employee thereof.
<u>(</u> 4	The willful, deliberate, and premeditated killing of any person in the
	commission of robbery or attempted robbery.
<u>(</u>	The willful, deliberate, and premeditated killing of any person in the

commission of, or subsequent to, an offense in violation of Article 7A

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- The willful, deliberate, and premeditated killing of any person where (16)2 the defendant knowingly created a great risk of death to more than one 3 person by means of a weapon or device which would normally be 4 hazardous to the lives of more than one person.
 - The willful, deliberate, and premeditated killing of any person where (17)the murder for which the defendant stands convicted was part of a course of conduct in which the defendant engaged and which included the commission by the defendant of other crimes of violence against another person or persons.
 - An offense under this section shall be deemed to be a Class A felony, and any (b) person who commits capital 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 as provided in subsection (c) of this section.
 - Any person who commits an offense in violation of this section who was under 18 years of age at the time of the capital murder shall be punished with imprisonment in the State's prison for life without parole."

SECTION 3. Article 6 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-17.3. First degree murder; punishment.

- Murder, other than capital murder, 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, except as provided in G.S. 14-17.2, shall be deemed murder in the first degree.
- An offense under this section shall be a Class A felony, and any person who (b) commits first degree murder shall be punished with imprisonment in the State's prison for life without parole."
- **SECTION 4.** Article 6 of Chapter 14 of the General Statutes is amended by adding a new section to read:

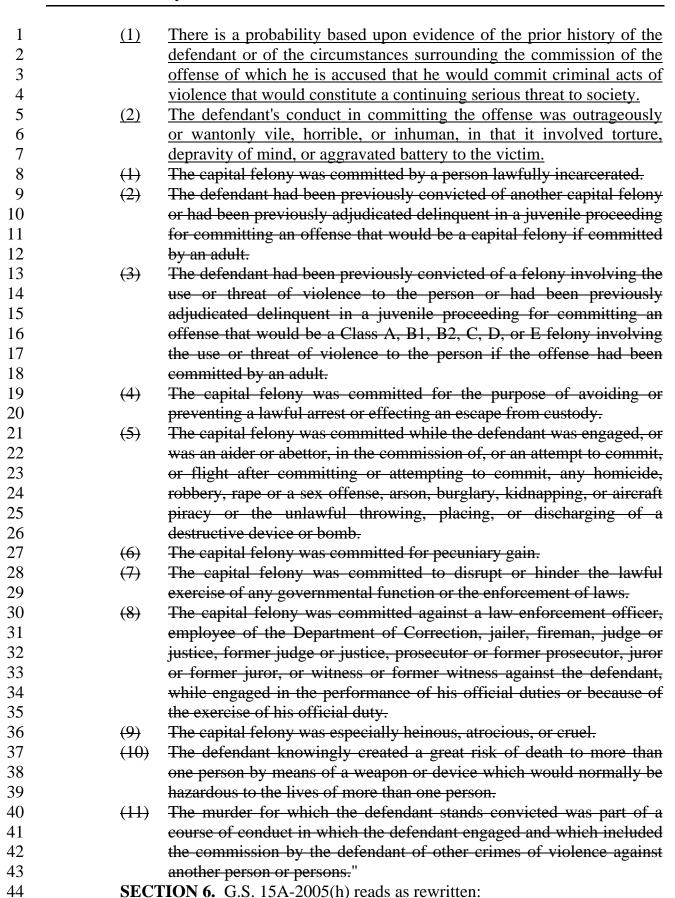
"§ 14-17.4. Second degree murder; punishment.

Any murder other than capital murder or first degree 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., or methamphetamine, 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."

SECTION 5. G.S. 15A-2000(e) reads as rewritten:

Aggravating Circumstances. - Aggravating circumstances which may be considered shall be limited to the following: factors enumerated in this subsection. The penalty of death shall not be imposed unless the State shall prove beyond a reasonable doubt at least one of the following:

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"(h) The provisions of this section do not preclude the sentencing of a mentally retarded offender to any other sentence authorized by G.S. 14-17-14-17.2 for the crime of murder in the first degree. capital murder."

SECTION 7. This act becomes effective December 1, 2007, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

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