

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 105
House Committee Substitute Favorable 4/20/11

Short Title: Increase Penalty/Certain 2nd Degree Murders.

(Public)

Sponsors:

Referred to:

February 23, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS
3 TO CLASS B1 FELONIES.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 14-17. Murder in the first and second degree defined; punishment.**

7 (a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical
8 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment,
9 starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which
10 shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex
11 offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of
12 a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any
13 person who commits such murder shall be punished with death or imprisonment in the State's
14 prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except
15 that any such person who was under 18 years of age at the time of the murder shall be punished
16 with imprisonment in the State's prison for life without parole. ~~All other kinds of murder,
17 including that which shall be proximately caused by the unlawful distribution of opium or any
18 synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other
19 substance described in G.S. 90-90(1)d., or methamphetamine, when the ingestion of such
20 substance causes the death of the user, shall be deemed murder in the second degree, and any
21 person who commits such murder shall be punished as a Class B2 felon.~~

22 (b) A murder other than described in subsection (a) of this section shall be deemed
23 murder in the second degree, and any person who commits such murder shall be punished as a
24 Class B1 felon if the murder was committed (i) with hatred, ill will, or spite, or (ii) with that
25 condition of mind which prompts a person to take the life of another intentionally, or to
26 intentionally inflict serious bodily harm which proximately results in death without just cause,
27 excuse, or justification. All other second degree murders shall be punished as Class B2
28 felonies."

29 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
30 offenses committed on or after that date.

