GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1327

Short Title: Death From Drug Use/Murder. (Public)

Sponsors: Representative Payne.

Referred to: Judiciary.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF A CONTROLLED SUBSTANCE THAT CAUSES THE DEATH OF THE USER WHEN IT IS INGESTED IS SECOND DEGREE 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, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life 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. 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 escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to G.S. 15A-2000. All other kinds of 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~~ a controlled substance classified in Schedule II in Chapter 90 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 C felon."

Sec. 2. This act shall become effective October 1, 1989, and shall apply to offenses occurring on or after that date.