

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 2*
Committee Substitute Favorable 2/10/94

Short Title: First Degree Murder/No Parole.

(Public)

Sponsors:

Referred to:

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT FIRST DEGREE MURDER IS PUNISHABLE BY DEATH, LIFE IMPRISONMENT WITH ELIGIBILITY FOR PAROLE AFTER TWENTY-FIVE YEARS, OR LIFE IMPRISONMENT WITHOUT PAROLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1370.1, as amended by Section 21 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"§ 15A-1370.1. Applicability of Article 85.

This Article is applicable to all prisoners serving sentences of imprisonment for convictions of impaired driving under G.S. 20-138.1 and prisoners serving sentences of life imprisonment. However, this Article does not apply to a prisoner sentenced to life imprisonment without parole. A prisoner serving a sentence of life imprisonment without parole shall not be eligible for parole at any time."

Sec. 2. G.S. 15A-2002, as amended by Section 29 of Chapter 538 of the 1993 Session Laws, reads as rewritten:

"§ 15A-2002. Capital offenses; jury verdict and sentence.

If the recommendation of the jury is that the defendant be sentenced to death, the judge shall impose a sentence of death in accordance with the provisions of Chapter 15, Article 19 of the General Statutes. If the recommendation of the jury is that the defendant be imprisoned for life in the State's prison, the judge shall impose a sentence of imprisonment for life in the State's ~~prison-prison~~, without parole, or a sentence of life with eligibility for parole after 25 years.

1 The judge shall instruct the jury, in words substantially equivalent to those of this
2 section, that a sentence of life imprisonment means ~~a sentence of life with eligibility for~~
3 ~~parole consideration after 25 years. either a sentence of life without parole, or a sentence of~~
4 life with eligibility for parole after 25 years, in the discretion of the court."

5 Sec. 3. This act becomes effective on the same date that Chapter 538 of the
6 1993 Session Laws becomes effective, and applies to offenses committed on or after
7 that date. Prosecutions for, or sentences based on, offenses occurring before the
8 effective date of this act are not abated or affected by the repeal, expiration, or
9 amendment in this act of any statute, and the statutes that would be applicable to those
10 prosecutions or sentences but for the provisions of this act remain applicable to those
11 prosecutions or sentences.