

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 1436
Committee Substitute Favorable 5/26/05**

Short Title: Death Penalty/Add Aggravating Factor. (Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO DIRECT THE SENTENCING COMMISSION TO STUDY AND MAKE
3 RECOMMENDATIONS REGARDING EVIDENCE THAT A MURDER WAS
4 COMMITTED IN VIOLATION OF A VALID DOMESTIC VIOLENCE
5 PROTECTIVE ORDER AS AN AGGRAVATING FACTOR IN CAPITAL
6 SENTENCING.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The North Carolina Sentencing and Policy Advisory
9 Commission, pursuant to its statutory responsibilities under Article 4 of Chapter 164 of
10 the General Statutes, shall study aggravating factors which may be considered in capital
11 felony sentencing pursuant to G.S. 15A-2000(e). In particular, the Commission shall
12 examine the question of whether the State's capital sentencing law should include as an
13 aggravating factor that the capital felony was committed at a time when the defendant
14 knew the behavior was prohibited by a valid protective order entered pursuant to
15 Chapter 50B of the General Statutes of North Carolina, or by a valid protective order
16 entered by the courts of another state or the courts of an Indian tribe. The Commission
17 shall report its findings and recommendations to the 2005 General Assembly not later
18 than May 1, 2006. The report shall describe the Commission's deliberations and shall
19 include any policy recommendations and proposed legislation.

20 **SECTION 2.** This act is effective when it becomes law.