

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

S

1

**SENATE BILL 5**

Short Title: Methadone Distribution/2nd Degree Murder. (Public)

---

Sponsors: Senators Snow; Boseman, Goodall, and Jenkins.

---

Referred to: Judiciary II (Criminal).

---

February 12, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO ADD METHADONE AND OTHER SCHEDULE II DRUGS TO  
3 COCAINE AND METHAMPHETAMINE AS CONTROLLED SUBSTANCES  
4 WHICH, IF UNLAWFULLY DISTRIBUTED AND CAUSE A DEATH, ALLOW  
5 FOR A CHARGE OF SECOND DEGREE MURDER.

6 The General Assembly of North Carolina enacts:

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

8 "**§ 14-17. Murder in the first and second degree defined; punishment.**

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

1                   **SECTION 2.** This act becomes effective December 1, 2007, and applies to  
2 offenses committed on or after that date.