

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE DRS15022-LH-81 (02/08)

Short Title: Increase Penalty/2nd Degree Murder.

(Public)

Sponsors: Senators Jones, Rouzer, and Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE PENALTY FOR SECOND DEGREE MURDER TO A B1  
3 FELONY.

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 murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon  
8 of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving,  
9 torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be  
10 committed in the perpetration or attempted perpetration of any arson, rape or a sex offense,  
11 robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly  
12 weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who  
13 commits such murder shall be punished with death or imprisonment in the State's prison for life  
14 without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such  
15 person who was under 18 years of age at the time of the murder shall be punished with  
16 imprisonment in the State's prison for life without parole. All other kinds of murder, including  
17 that which shall be proximately caused by the unlawful distribution of opium or any synthetic  
18 or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance  
19 described in G.S. 90-90(1)d., or methamphetamine, when the ingestion of such substance  
20 causes the death of the user, shall be deemed murder in the second degree, and any person who  
21 commits such murder shall be punished as a ~~Class B2 felon~~.Class B1 felon."

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

