

March 14, 2007

H 789. CAPITAL MURDER STATUTE. Filed 03/14/07. *TO CREATE A CAPITAL MURDER STATUTE, TO AMEND THE HOMICIDE STATUTES, AND TO AMEND THE CAPITAL SENTENCING LAWS AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Earle.

GS 14,15A

March 15, 2007

H 789. CAPITAL MURDER STATUTE. Filed 3/14/07. *TO CREATE A CAPITAL MURDER STATUTE, TO AMEND THE HOMICIDE STATUTES, AND TO AMEND THE CAPITAL SENTENCING LAWS AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.* Repeals GS 14-17, the statute defining and setting forth the penalties for first and second degree murder. Enacts new GS 14-17.2 defining capital murder and providing for punishment by death or imprisonment for life without parole except for persons who were under 18 at the time of the murder, who must receive imprisonment for life without parole. Enacts new GS 14-17.3 defining first degree murder and setting the punishment as imprisonment for life without parole. Enacts new GS 14-17.4 defining second degree murder and providing for punishment as a Class B2 felon. Amends GS 15A-2000(e) to permit imposition of the death penalty only if the state proves beyond a reasonable doubt that (1) there is a probability based the prior history of the defendant or the circumstances surrounding the offense that the defendant would commit criminal acts of violence that would constitute a continuing serious threat to society or (2) the defendant's conduct in committing the offense was outrageously or wantonly vile, horrible, or inhuman, in that it involved torture, depravity of mind, or aggravated battery to the victim. Eliminates all other aggravating factors codified in current GS 15A-2000(e). Amends GS 15A-2005(h) to permit a mentally retarded defendant to be punished only by imprisonment for life without parole for the offense of capital murder. Effective December 1, 2007, for offenses committed on or after that date.

Intro. by Earle.

GS 14,15A