

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 105  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S105-PCS75154-RK-41

Short Title: Increase Penalty/Certain 2nd Degree Murders.

(Public)

Sponsors:

Referred to:

February 23, 2011

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS  
TO CLASS B1 FELONIES.

The General Assembly of North Carolina enacts:

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

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

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

(b) A murder other than described in subsection (a) of this section shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class B1 felon if the murder was committed (i) with hatred, ill will, or spite, or (ii) with that condition of mind which prompts a person to take the life of another intentionally, or to intentionally inflict serious bodily harm which proximately results in death without just cause, excuse, or justification. All other second degree murders shall be punished as Class B2 felonies."

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



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