

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS85037-RK-18A (02/12)

Short Title: Lily's Law.

(Public)

Sponsors: Senators Gunn, Daniel, and Randleman (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD
3 WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO
4 THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED
5 "LILY'S LAW."

6 The General Assembly of North Carolina enacts:

7 SECTION 1. This act shall be known as "Lily's Law."

8 SECTION 2. G.S. 14-17 reads as rewritten:

9 "§ 14-17. **Murder in the first and second degree defined; punishment.**

10 (a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical
11 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment,
12 starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which
13 shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex
14 offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of
15 a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any
16 person who commits such murder shall be punished with death or imprisonment in the State's
17 prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except
18 that any such person who was under 18 years of age at the time of the murder shall be punished
19 with imprisonment in the State's prison for life without parole.

20 (b) A murder other than described in subsection (a) of this section or in G.S. 14-23.2
21 shall be deemed second degree murder. Any person who commits second degree murder shall
22 be punished as a Class B1 felon, except that a person who commits second degree murder shall
23 be punished as a Class B2 felon in either of the following circumstances:

24 (1) The malice necessary to prove second degree murder is based on an
25 inherently dangerous act or omission, done in such a reckless and wanton
26 manner as to manifest a mind utterly without regard for human life and
27 social duty and deliberately bent on mischief.

28 (2) The murder is one that was proximately caused by the unlawful distribution
29 of opium or any synthetic or natural salt, compound, derivative, or
30 preparation of opium, or cocaine or other substance described in
31 G.S. 90-90(1)d., or methamphetamine, and the ingestion of such substance
32 caused the death of the user.

33 (c) For the purposes of this section, it shall constitute murder where a child is born alive
34 but dies as a result of injuries inflicted prior to the child being born alive. The degree of murder
35 shall be determined as described in subsections (a) and (b) of this section.



1 **SECTION 3.** This act becomes effective December 1, 2013, and applies to
2 offenses committed on or after that date. Prosecutions for offenses committed before the
3 effective date of this act are not abated or affected by this act, and the common law and statutes
4 that would be applicable but for this act remain applicable to those prosecutions. The statutes
5 and common law shall remain applicable to offenses not described in this act, whether the
6 offense is charged due to a child being born alive and who dies, or who is born alive with
7 injuries, resulting from injuries inflicted prior to being born alive.