A BILL TO BE ENTITLED
AN ACT INCREASING THE PAY AND DEATH BENEFITS OF MEMBERS OF THE
STATE HIGHWAY PATROL KILLED OR MURDERED IN THE LINE OF DUTY; AND
REQUIRING THAT A JURY DECIDE THE DEFENDANT'S SENTENCE IN EVERY
CASE INVOLVING THE MURDER OF A LAW ENFORCEMENT OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is appropriated from the General Fund to the Department of
Public Safety, State Highway Patrol Division (SHP), the sum of eight million three hundred
thousand dollars ($8,300,000) for the 2021-2022 fiscal year and the sum of eight million three
hundred thousand dollars ($8,300,000) for the 2022-2023 fiscal year to increase the annual
compensation of members of the State Highway Patrol. These compensation increases shall be
awarded in accordance with the following pay schedule in order to extend the annual pay
increases authorized in S.L. 2018-5 into a 10-year schedule of pay increases for members of the
State Highway Patrol:

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<th>Salary</th>
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SECTION 1.(b) This section becomes effective July 1, 2021.

SECTION 2.(a) G.S. 143-166.3 reads as rewritten:

"§ 143-166.3. Payments; determination.
(a) When any covered person is killed in the line of duty, the Industrial Commission shall
award a death benefit in the amount of one hundred thousand dollars ($100,000) to be paid to
one of the following:

(1) The spouse of the covered person if there is a surviving spouse.
(2) If there is no surviving spouse, then payments shall be made to any surviving
dependent child of the covered person. If there is more than one surviving
dependent child, then the payment shall be made to and equally divided among
all surviving dependent children.

(3) If there is no surviving spouse and no surviving dependent child or children,
then payments shall be made to any surviving dependent parent of the covered
person. If there is more than one surviving dependent parent, then the
payments shall be made to and equally divided between the surviving
dependent parents of the covered person.

(4) If there is no surviving spouse, surviving dependent child, or surviving
dependent parent, then the payment shall be made to the estate of the deceased
covered person.

(a1) On and after July 1, 2021, when any covered person who is a member of the State
Highway Patrol is killed in the line of duty, in addition to the award under subsection (a) of this
section, the Industrial Commission shall award a death benefit in the amount of nine hundred
dollar ($900,000) to be paid to one of the following:

(1) The spouse of the covered person if there is a surviving spouse.

(2) If there is no surviving spouse, then payments shall be made to any surviving
dependent child of the covered person. If there is more than one surviving
dependent child, then the payment shall be made to and equally divided among
all surviving dependent children.

(3) If there is no surviving spouse and no surviving dependent child or children,
then payments shall be made to any surviving dependent parent of the covered
person. If there is more than one surviving dependent parent, then the
payments shall be made to and equally divided between the surviving
dependent parents of the covered person.

(4) If there is no surviving spouse, surviving dependent child, or surviving
dependent parent, then the payment shall be made to the estate of the deceased
covered person.

(e) On and after July 1, 2016, when any covered person is murdered in the line of duty,
in addition to the award awards under subsection (a) and (a1) of this section, the
Industrial Commission shall award a death benefit in the amount of one hundred thousand dollars
($100,000) to be paid to one of the following:

(1) The spouse of the covered person if there is a surviving spouse.

(2) If there is no surviving spouse, then payments shall be made to any surviving
dependent child of the covered person. If there is more than one surviving
dependent child, then the payment shall be made to and equally divided among
all surviving dependent children.

(3) If there is no surviving spouse and no surviving dependent child or children,
then payments shall be made to any surviving dependent parent of the covered
person. If there is more than one surviving dependent parent, then the
payments shall be made to and equally divided between the surviving
dependent parents of the covered person.

(4) If there is no surviving spouse, surviving dependent child, or surviving
dependent parent, then the payment shall be made to the estate of the deceased
covered person.

SECTION 2.(b) There is appropriated from the General Fund to the Department of
State Treasurer the sum of six hundred thousand dollars ($600,000) in recurring funds for the
2021-2022 fiscal year and the sum of six hundred thousand dollars ($600,000) in recurring funds
for the 2022-2023 fiscal year to pay benefits provided for under Article 12A of Chapter 143 of
the General Statutes.
SECTION 2.(c) This section becomes effective July 1, 2021, and applies to qualifying deaths occurring on or after that date.

SECTION 3.(a) G.S. 15A-2001 reads as rewritten:


(a) Any defendant who has been indicted for an offense punishable by death may enter a plea of guilty at any time after the indictment.

(b) Except as provided in subsection (b1) of this section, if the defendant enters a guilty plea to first degree murder and the State has not given notice of intent to seek the death penalty as provided in G.S. 15A-2004 or the State has agreed to accept a sentence of life imprisonment where it initially gave notice of intent to seek the death penalty, then the court shall sentence the person to life imprisonment. The defendant may plead guilty to first degree murder and the State may agree to accept a sentence of life imprisonment, even if evidence of an aggravating circumstance exists.

(b1) If the defendant enters a guilty plea to first degree murder in a case involving the murder of a law enforcement officer, employee of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, jailer, firefighter, judge or justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, or witness or former witness against the defendant, while engaged in the performance of the person's official duties or because of the exercise of the person's official duty, the State shall not agree to accept a sentence of life imprisonment under subsection (b) of this section, but the jury shall make a recommendation as to the appropriate sentence pursuant to G.S. 15A-2000.

(c) If the defendant enters a guilty plea to first degree murder and the State has given notice of its intent to seek the death penalty, then the court may sentence the defendant to life imprisonment or to death pursuant to the procedures of G.S. 15A-2000. Before sentencing the defendant in a case in which the State has given notice of its intent to seek the death penalty, the presiding judge shall impanel a jury for the limited purpose of hearing evidence and determining a sentence recommendation as to the appropriate sentence pursuant to G.S. 15A-2000. The jury's sentence recommendation in cases where the defendant pleads guilty and the State has given notice of its intent to seek the death penalty shall be determined under the same procedure of G.S. 15A-2000 applicable to defendants who have been tried and found guilty by a jury."

SECTION 3.(b) This section becomes effective December 1, 2021.

SECTION 4. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this act which can be given effect without the invalid provision.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.