

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL DRS15237-MGap-31B

Short Title: Up SHP Pay & Death Benefits/Death Penalty. (Public)

Sponsors: Senators Burgin and Davis (Primary Sponsors).

Referred to:

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

6 The General Assembly of North Carolina enacts:

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

15	Salary	Experience
16	46,228	0
17	49,233	1
18	52,433	2
19	55,841	3
20	59,471	4
21	63,336	5
22	67,452	6
23	69,644	7
24	71,908	8
25	74,245	9
26	76,658	10

27 **SECTION 1.(b)** This section becomes effective July 1, 2021.

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

29 **"§ 143-166.3. Payments; determination.**

30 (a) When any covered person is killed in the line of duty, the Industrial Commission shall  
31 award a death benefit in the amount of one hundred thousand dollars (\$100,000) to be paid to  
32 one of the following:

- 33 (1) The spouse of the covered person if there is a surviving spouse.  
34 (2) If there is no surviving spouse, then payments shall be made to any surviving  
35 dependent child of the covered person. If there is more than one surviving



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- 1 dependent child, then the payment shall be made to and equally divided among  
 2 all surviving dependent children.
- 3 (3) If there is no surviving spouse and no surviving dependent child or children,  
 4 then payments shall be made to any surviving dependent parent of the covered  
 5 person. If there is more than one surviving dependent parent, then the  
 6 payments shall be made to and equally divided between the surviving  
 7 dependent parents of the covered person.
- 8 (4) If there is no surviving spouse, surviving dependent child, or surviving  
 9 dependent parent, then the payment shall be made to the estate of the deceased  
 10 covered person.

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

- 15 (1) The spouse of the covered person if there is a surviving spouse.
- 16 (2) If there is no surviving spouse, then payments shall be made to any surviving  
 17 dependent child of the covered person. If there is more than one surviving  
 18 dependent child, then the payment shall be made to and equally divided among  
 19 all surviving dependent children.
- 20 (3) If there is no surviving spouse and no surviving dependent child or children,  
 21 then payments shall be made to any surviving dependent parent of the covered  
 22 person. If there is more than one surviving dependent parent, then the  
 23 payments shall be made to and equally divided between the surviving  
 24 dependent parents of the covered person.
- 25 (4) If there is no surviving spouse, surviving dependent child, or surviving  
 26 dependent parent, then the payment shall be made to the estate of the deceased  
 27 covered person.

28 ...

29 (e) On and after July 1, 2016, when any covered person is murdered in the line of duty,  
 30 in addition to the ~~award-awards~~ under ~~subsection-subsections~~ (a) and (a1) of this section, the  
 31 Industrial Commission shall award a death benefit in the amount of one hundred thousand dollars  
 32 (\$100,000) to be paid to one of the following:

- 33 (1) The spouse of the covered person if there is a surviving spouse.
- 34 (2) If there is no surviving spouse, then payments shall be made to any surviving  
 35 dependent child of the covered person. If there is more than one surviving  
 36 dependent child, then the payment shall be made to and equally divided among  
 37 all surviving dependent children.
- 38 (3) If there is no surviving spouse and no surviving dependent child or children,  
 39 then payments shall be made to any surviving dependent parent of the covered  
 40 person. If there is more than one surviving dependent parent, then the  
 41 payments shall be made to and equally divided between the surviving  
 42 dependent parents of the covered person.
- 43 (4) If there is no surviving spouse, surviving dependent child, or surviving  
 44 dependent parent, then the payment shall be made to the estate of the deceased  
 45 covered person."

46 **SECTION 2.(b)** There is appropriated from the General Fund to the Department of  
 47 State Treasurer the sum of six hundred thousand dollars (\$600,000) in recurring funds for the  
 48 2021-2022 fiscal year and the sum of six hundred thousand dollars (\$600,000) in recurring funds  
 49 for the 2022-2023 fiscal year to pay benefits provided for under Article 12A of Chapter 143 of  
 50 the General Statutes.

1           **SECTION 2.(c)** This section becomes effective July 1, 2021, and applies to  
2 qualifying deaths occurring on or after that date.

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

4       "**§ 15A-2001. Capital offenses; plea of guilty.**

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

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

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

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

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

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

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