

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL DRS15312-NJa-61A

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

Sponsors: Senator Burgin (Primary Sponsor).

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)** G.S. 143-166.3 reads as rewritten:

8 "**§ 143-166.3. Payments; determination.**

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

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

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

- 29 (1) The spouse of the covered person if there is a surviving spouse.  
30 (2) If there is no surviving spouse, then payments shall be made to any surviving  
31 dependent child of the covered person. If there is more than one surviving  
32 dependent child, then the payment shall be made to and equally divided among  
33 all surviving dependent children.  
34 (3) If there is no surviving spouse and no surviving dependent child or children,  
35 then payments shall be made to any surviving dependent parent of the covered  
36 person. If there is more than one surviving dependent parent, then the



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1 payments shall be made to and equally divided between the surviving  
2 dependent parents of the covered person.

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

6 ...

7 (e) On and after July 1, 2016, when any covered person is murdered in the line of duty,  
8 in addition to the ~~award~~ awards under ~~subsection~~ subsections (a) and (a1) of this section, the  
9 Industrial Commission shall award a death benefit in the amount of one hundred thousand dollars  
10 (\$100,000) to be paid to one of the following:

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

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

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

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

24 **SECTION 1.(b)** There is appropriated from the General Fund to the Department of  
25 State Treasurer the sum of six hundred thousand dollars (\$600,000) in recurring funds for the  
26 2023-2024 fiscal year and the sum of six hundred thousand dollars (\$600,000) in recurring funds  
27 for the 2024-2025 fiscal year to pay benefits provided for under Article 12A of Chapter 143 of  
28 the General Statutes.

29 **SECTION 1.(c)** This section becomes effective July 1, 2023, and applies to  
30 qualifying deaths occurring on or after that date.

31 **SECTION 2.(a)** G.S. 15A-2001 reads as rewritten:

32 "**§ 15A-2001. Capital offenses; plea of guilty.**

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

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

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

50 (c) If the defendant enters a guilty plea to first degree murder and the State has given  
51 notice of its intent to seek the death penalty, then the court may sentence the defendant to life

1 imprisonment or to death pursuant to the procedures of G.S. 15A-2000. Before sentencing the  
2 defendant in a case in which the State has given notice of its intent to seek the death penalty, the  
3 presiding judge shall impanel a jury for the limited purpose of hearing evidence and determining  
4 a sentence recommendation as to the appropriate sentence pursuant to G.S. 15A-2000. The jury's  
5 sentence recommendation in cases where the defendant pleads guilty and the State has given  
6 notice of its intent to seek the death penalty shall be determined under the same procedure of  
7 G.S. 15A-2000 applicable to defendants who have been tried and found guilty by a jury."

8 **SECTION 2.(b)** This section becomes effective December 1, 2023.

9 **SECTION 3.** The provisions of this act are severable. If any provision of this act is  
10 held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions  
11 of this act which can be given effect without the invalid provision.

12 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
13 law.