

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 706

Short Title: Drug-Induced Death/Crim. Liability.

(Public)

Sponsors: Senators Daniel, Basnight, Rauch, Barker, Kaplan, Plyler, Conder, Soles, Winner, Goldston, Taft, Staton, Murphy, Marvin, Block, Guy, Harris, Speed, Royall, Sherron, Parnell, Ward, Martin of Guilford, Walker, Martin of Pitt; Ezzell, Hunt of Durham, Hunt of Moore, Johnson of Wake, Raynor, Richardson, Sands, and Tally.

Referred to: Judiciary I.

March 30, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON WHO ILLEGALLY MANUFACTURES,
2 SELLS, OR DELIVERS A SCHEDULE I OR SCHEDULE II CONTROLLED
3 SUBSTANCE IS STRICTLY LIABLE FOR A DRUG-INDUCED DEATH AND
4 IS GUILTY OF A CLASS C FELONY.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Article 5 of Chapter 90 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 90-95.6. Criminal liability for drug-induced death.**

10 (a) A person who manufactures, sells, or delivers a Schedule I or Schedule II
11 controlled substance in violation of G.S. 90-95 is strictly liable for a death that results
12 from the injection, inhalation, or ingestion of that substance, and is guilty of a Class C
13 felony.

14 (b) For purposes of this offense, the defendant's act of manufacturing, selling, or
15 delivering a controlled substance is the cause of a death when:

16 (1) The injection, inhalation, or ingestion of the substance is an antecedent
17 but for which the death would not have occurred; and

18 (2) The death was not:

19 a. Too remote in its occurrence as to have a just bearing on the
20 defendant's liability; or

1 b. Too dependent upon conduct of another person which was
2 unrelated to the injection, inhalation, or ingestion of the
3 substance or its effect as to have a just bearing on the
4 defendant's liability.

5 (c) It is not a defense to a prosecution under this section that the decedent
6 contributed to his own death by his purposeful, knowing, reckless, or negligent
7 injection, inhalation, or ingestion of the substance, or by his consenting to the
8 administration of the substance by another.

9 (d) Nothing in this section shall be construed to preclude or limit any prosecution
10 for murder or manslaughter. Notwithstanding any other provision of law, a conviction
11 under this section shall not merge with a conviction for a violation of G.S. 90-95 or G.S.
12 90-95.1."

13 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
14 offenses occurring on or after that date.