

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 706  
Judiciary I Committee Substitute Adopted 5/9/89

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

(Public)

Sponsors:

Referred to:

March 30, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO ILLEGALLY MANUFACTURES,  
SELLS, OR DELIVERS A SCHEDULE I OR SCHEDULE II CONTROLLED  
SUBSTANCE IS STRICTLY LIABLE FOR A DRUG-INDUCED DEATH AND  
IS GUILTY OF A CLASS C FELONY.

The General Assembly of North Carolina enacts:

Section 1. Article 6 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-17.2. Criminal liability for drug-induced death.**

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

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

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

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