

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 961

Short Title: Death From Cocaine Use/Murder.

(Public)

---

Sponsors: Senators Daniel; Barker, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daughtry, Ezzell, Guy, Hardin, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Odom, Parnell, Plyler, Rauch, Richardson, Speed, Taft, and Walker.

---

Referred to: Election Laws.

---

April 19, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE DISTRIBUTION OF COCAINE RESULTING  
2 IN DEATH IS PUNISHABLE AS SECOND-DEGREE MURDER.  
3

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 14-17 reads as rewritten:

6 **"§ 14-17. Murder in the first and second degree defined; punishment.**

7 A murder which shall be perpetrated by means of poison, lying in wait,  
8 imprisonment, starving, torture, or by any other kind of willful, deliberate, and  
9 premeditated killing, or which shall be committed in the perpetration or attempted  
10 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other  
11 felony committed or attempted with the use of a deadly weapon shall be deemed to be  
12 murder in the first degree, and any person who commits such murder shall be punished  
13 with death or imprisonment in the State's prison for life as the court shall determine  
14 pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age  
15 at the time of the murder shall be punished with imprisonment in the State's prison for  
16 life. Provided, however, any person under the age of 17 who commits murder in the  
17 first degree while serving a prison sentence imposed for a prior murder or while on  
18 escape from a prison sentence imposed for a prior murder shall be punished with death  
19 or imprisonment in the State's prison for life as the court shall determine pursuant to  
20 G.S. 15A-2000. All other kinds of murder, including that which shall be proximately  
21 caused by the unlawful distribution of opium or any synthetic or natural salt, compound,

1 derivative, or preparation of ~~opium~~ opium, or cocaine or other substance described in  
2 G.S. 90-90(a)4., when the ingestion of such substance causes the death of the user, shall  
3 be deemed murder in the second degree, and any person who commits such murder  
4 shall be punished as a Class C felon."

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