

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

S

4

SENATE BILL 2*
Second Edition Engrossed 2/11/94
Third Edition Engrossed 2/18/94
House Committee Substitute Favorable 3/18/94

Short Title: First Degree Murder/No Parole.

(Public)

Sponsors:

Referred to:

February 9, 1994

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR LIFE IMPRISONMENT WITHOUT PAROLE FOR
2 FIRST DEGREE MURDER AND TO PROVIDE THAT, AFTER A DEFENDANT
3 HAS SERVED TWENTY-FIVE YEARS OF IMPRISONMENT AND EVERY
4 TWO YEARS THEREAFTER, THE DEFENDANT'S SENTENCE OF LIFE
5 IMPRISONMENT WITHOUT PAROLE SHALL BE REVIEWED BY A
6 RESIDENT SUPERIOR COURT JUDGE FOR THE COUNTY IN WHICH THE
7 DEFENDANT WAS CONVICTED AND THE JUDGE SHALL MAKE A
8 RECOMMENDATION TO THE GOVERNOR OR AN EXECUTIVE AGENCY
9 DESIGNATED BY THE GOVERNOR AS TO WHETHER OR NOT THE
10 DEFENDANT'S SENTENCE SHOULD BE ALTERED OR COMMUTED.
11

12 The General Assembly of North Carolina enacts:

13 Section 1. G.S. 14-17, as amended by Section 1127 of Chapter 539 of the
14 1993 Session Laws, reads as rewritten:

15 "**§ 14-17. Murder in the first and second degree defined; punishment.**

16 A murder which shall be perpetrated by means of poison, lying in wait,
17 imprisonment, starving, torture, or by any other kind of willful, deliberate, and
18 premeditated killing, or which shall be committed in the perpetration or attempted
19 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other
20 felony committed or attempted with the use of a deadly weapon shall be deemed to be
21 murder in the first degree, a Class A felony, and any person who commits such murder

1 shall be punished with death or imprisonment in the State's prison for life without parole
2 as the court shall determine pursuant to G.S. 15A-2000, except that any such person
3 who was under 17 years of age at the time of the murder shall be punished with
4 imprisonment in the State's prison for ~~life~~ life without parole. Provided, however, any
5 person under the age of 17 who commits murder in the first degree while serving a
6 prison sentence imposed for a prior murder or while on escape from a prison sentence
7 imposed for a prior murder shall be punished with death or imprisonment in the State's
8 prison for life without parole as the court shall determine pursuant to G.S. 15A-2000.
9 All other kinds of murder, including that which shall be proximately caused by the
10 unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or
11 preparation of opium, or cocaine or other substance described in G.S. 90-90(a)4., when
12 the ingestion of such substance causes the death of the user, shall be deemed murder in
13 the second degree, and any person who commits such murder shall be punished as a
14 Class B felon."

15 Sec. 2. G.S. 15A-1370.1, as amended by Section 21 of Chapter 538 of the
16 1993 Session Laws, reads as rewritten:

17 **"§ 15A-1370.1. Applicability of Article 85.**

18 This Article is applicable to all prisoners serving sentences of imprisonment for
19 convictions of impaired driving under G.S. ~~20-138.1~~ and ~~prisoners serving sentences of life~~
20 ~~imprisonment~~ ~~20-138.1~~. This Article does not apply to a prisoner serving a sentence of
21 life imprisonment without parole. A prisoner serving a sentence of life imprisonment
22 without parole shall not be eligible for parole at any time."

23 Sec. 3. G.S. 15A-1371(a1), as amended by Section 22 of Chapter 538 of the
24 1993 Session Laws, is repealed.

25 Sec. 4. G.S. 15A-1372(a), as amended by Section 23 of Chapter 538 of the
26 1993 Session Laws, reads as rewritten:

27 "(a) Term of Parole. – The term of parole for any person released from
28 imprisonment may be no greater ~~than~~ than one year.

29 (1) ~~One year for a conviction for impaired driving under G.S. 20-138.1; or~~

30 (2) ~~Three years for a sentence of life imprisonment."~~

31 Sec. 5. G.S. 15A-2002, as amended by Section 29 of Chapter 538 of the 1993
32 Session Laws, reads as rewritten:

33 **"§ 15A-2002. Capital offenses; jury verdict and sentence.**

34 If the recommendation of the jury is that the defendant be sentenced to death, the
35 judge shall impose a sentence of death in accordance with the provisions of Chapter 15,
36 Article 19 of the General Statutes. If the recommendation of the jury is that the
37 defendant be imprisoned for life in the State's prison, the judge shall impose a sentence
38 of imprisonment for life in the State's ~~prison~~ prison, without parole.

39 The judge shall instruct the jury, in words substantially equivalent to those of this
40 section, that a sentence of life imprisonment means a sentence of life ~~with eligibility for~~
41 ~~parole consideration after 25 years~~ without parole."

42 Sec. 6. G.S. 143B-266(a), as amended by Section 42 of Chapter 538 of the
43 1993 Session Laws, reads as rewritten:

- 1 sentences but for the provisions of this act remain applicable to those prosecutions or
- 2 sentences.