

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30194-RK-21A (01/31)

Short Title: Felony Murder.

(Public)

Sponsors: Representatives Earle and Harrison (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE STATUTORY OFFENSE OF FELONY MURDER AS
RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON
CAPITAL PUNISHMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-17 reads as rewritten:

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

(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated ~~killing, killing or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon~~ shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under ~~17~~¹⁸ years of age at the time of the murder shall be punished with imprisonment in the State's prison for life without parole. ~~Provided, however, any person under the age of 17 who commits murder in the first degree while serving a prison sentence imposed for a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000.~~

(b) Unless a person's conduct is covered under some other provision of law providing greater punishment, a murder which shall be committed in the perpetration or attempted perpetration of any arson, rape or sex offense, robbery, kidnapping, burglary,

1 or other felony committed or attempted with the use of a deadly weapon shall be
2 deemed to be felony murder, and any person who commits such murder shall be
3 punished with imprisonment in the State's prison for life without parole.

4 (c) ~~All other kinds of murder,~~ A murder not described in subsection (a) or (b) of
5 this section, including that which shall be proximately caused by the unlawful
6 distribution of opium or any synthetic or natural salt, compound, derivative, or
7 preparation of opium, or cocaine or other substance described in G.S. 90-90(1)d., or
8 methamphetamine, when the ingestion of such substance causes the death of the user,
9 shall be deemed murder in the second degree, and any person who commits such
10 murder shall be punished as a Class B2 felon."

11 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
12 offenses committed on or after that date. Prosecutions for offenses committed before
13 the effective date of this act are not abated or affected by this act, and the statutes that
14 would be applicable but for this act remain applicable to those prosecutions.