

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1100

Short Title: Kill Law Officer/Capital Crime.

(Public)

Sponsors: Representatives Nichols; Bowman, and McLawhorn.

Referred to: Courts and Justice.

Apri 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT IT IS FIRST DEGREE MURDER TO KILL A LAW
2 ENFORCEMENT OFFICER, A CORRECTIONAL OFFICER, A DISTRICT
3 ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, A JUSTICE, OR A
4 JUDGE.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Article 6 of Chapter 14 is amended by adding a new section to
8 read:

9 **"§ 14-17.2. Murder of a law enforcement officer, a correctional officer, a district**
10 **attorney, an assistant district attorney, a justice, or a judge.**

11 (a) Any person who murders a law enforcement officer, a correctional officer, a
12 district attorney, an assistant district attorney, a justice, or a judge while the officer is
13 discharging the officer's official duties shall be guilty of a Class A felony.

14 (b) A person convicted of an offense under this section shall be sentenced to
15 death or life imprisonment pursuant to G.S. 15A-2000. If the recommendation of the
16 jury is that the defendant be imprisoned for life in the State's prison, the judge shall
17 impose a mandatory minimum sentence of life imprisonment to be served as active time
18 in the State prison by the defendant. A person convicted under this section may not
19 receive a suspended sentence or be placed on probation. A person convicted under this
20 section may not receive a reduced sentence. Notwithstanding Article 85 of Chapter 15A
21 of the General Statutes, a person convicted under this section is not eligible for parole.
22 A person convicted under this section is not eligible for good time or gain time."

23 Sec. 2. G.S. 14-17 reads as rewritten:

24 **"§ 14-17. Murder in the first and second degree defined; punishment.**

1 A murder which shall be perpetrated by means of poison, lying in wait,
2 imprisonment, starving, torture, or by any other kind of willful, deliberate, and
3 premeditated killing, or which shall be committed in the perpetration or attempted
4 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other
5 felony committed or attempted with the use of a deadly weapon shall be deemed to be
6 murder in the first degree, and any person who commits such murder shall be punished
7 with death or imprisonment in the State's prison for life as the court shall determine
8 pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age
9 at the time of the murder shall be punished with imprisonment in the State's prison for
10 life. Provided, however, any person under the age of 17 who commits murder in the
11 first degree while serving a prison sentence imposed for a prior murder or while on
12 escape from a prison sentence imposed for a prior murder shall be punished with death
13 or imprisonment in the State's prison for life as the court shall determine pursuant to
14 G.S. 15A-2000. Except as provided by G.S. 14-17.2, all ~~All~~ other kinds of murder,
15 including that which shall be proximately caused by the unlawful distribution of opium
16 or any synthetic or natural salt, compound, derivative, or preparation of opium, or
17 cocaine or other substance described in G.S. 90-90(a)4., when the ingestion of such
18 substance causes the death of the user, shall be deemed murder in the second degree,
19 and any person who commits such murder shall be punished as a Class C felon."

20 Sec. 3. This act becomes effective December 1, 1993, and applies to offenses
21 committed on or after that date.