

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH50342-LHz-196 (4/13)

Short Title: Amend 2nd Degree Murder/Meth Overdose. (Public)

Sponsors: Representatives Kiser and Haire (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF
3 METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF
4 A PERSON IS SECOND DEGREE MURDER AS RECOMMENDED BY THE
5 JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE
6 JUSTICE OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

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

9 **"§ 14-17. Murder in the first and second degree defined; punishment.**

10 A murder which shall be perpetrated by means of a nuclear, biological, or chemical
11 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait,
12 imprisonment, starving, torture, or by any other kind of willful, deliberate, and
13 premeditated killing, or which shall be committed in the perpetration or attempted
14 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other
15 felony committed or attempted with the use of a deadly weapon shall be deemed to be
16 murder in the first degree, a Class A felony, and any person who commits such murder
17 shall be punished with death or imprisonment in the State's prison for life without parole
18 as the court shall determine pursuant to G.S. 15A-2000, except that any such person
19 who was under 17 years of age at the time of the murder shall be punished with
20 imprisonment in the State's prison for life without parole. Provided, however, any
21 person under the age of 17 who commits murder in the first degree while serving a
22 prison sentence imposed for a prior murder or while on escape from a prison sentence
23 imposed for a prior murder shall be punished with death or imprisonment in the State's
24 prison for life without parole as the court shall determine pursuant to G.S. 15A-2000.
25 All other kinds of murder, including that which shall be proximately caused by the
26 unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or
27 preparation of opium, or cocaine or other substance described in G.S. 90-90(1) d., or

1 methamphetamine when the ingestion of such substance causes the death of the user,
2 shall be deemed murder in the second degree, and any person who commits such
3 murder shall be punished as a Class B2 felon."

4 **SECTION 2.** This act becomes effective December 1, 2004, and applies to
5 offenses committed on or after that date.